

NATIONAL ASSOCIATION OF STATE WORKFORCE AGENCIES

# Workforce Investment Act & Workforce Innovation and Opportunity Act Side-by-Side

*A comparison of statutory language between the Workforce Investment Act and the Workforce Innovation and Opportunity Act*

September 2014



# WIA & WIOA Side-by-Side

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## Overview

On Tuesday, July 22, President Obama signed the [Workforce Innovation and Opportunity Act](#) (P.L. 113-128) into law, formally overhauling and reauthorizing the expired Workforce Investment Act (WIA) of 1998. President Obama signed the Workforce Innovation and Opportunity Act (WIOA) following swift passage and overwhelming bipartisan support for the bill in both the U.S. House of Representatives and the Senate.

As the U.S. Department of Labor (USDOL), state workforce agencies, local workforce areas, and other stakeholders prepare to implement the changes under WIOA, which takes effect July 1, 2015 at the start of Program Year 2015, NASWA has prepared this document to assist all stakeholders in the public workforce system to understand the changes between WIA and WIOA.

NASWA's *WIA & WIOA Side-by-Side* compares the statutory language by each section between WIA and WIOA in two columns in order for readers to see what the changes are between the two laws. In this document, NASWA has identified provisions in WIA that were not included or repealed in WIOA, provisions that were added to WIOA that were not originally apart of WIA, and areas where there are similarities between provisions in the two laws despite different statutory language. A reference key has been placed at the bottom of each page for readers to identify what has been struck, added, and changed.

The document contains Titles I, III, and V covering the WIOA Adult, Dislocated Worker, and Youth programs, the Wagner-Peyser Employment Service, and the General Provisions covering administrative requirements within the law. Bookmarks by WIOA section have been enabled for ease of navigation and can be accessed via the bookmark feature in any PDF reader.

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Workforce Investment Act of 1998	Workforce Innovation and Opportunity Act of 2014
<p>SECTION 1. SHORT TITLE; TABLE OF CONTENTS.</p> <p>(a) SHORT TITLE.--This Act may be cited as the "Workforce Investment Act of 1998".</p> <p>(b) TABLE OF CONTENTS.--The table of contents for this Act is as follows:</p> <p>Sec. 1. Short title; table of contents. Sec. 106. Purpose.</p> <p><u>TITLE I--WORKFORCE INVESTMENT SYSTEMS</u> SUBTITLE A--WORKFORCE INVESTMENT DEFINITIONS Sec. 101. Definitions.</p> <p>SUBTITLE B--STATEWIDE AND LOCAL WORKFORCE INVESTMENT SYSTEMS Sec. 106. Purpose. <b>(CORRESPONDS TO SECTION 2 OF WIOA)</b></p> <p>CHAPTER 1--STATE PROVISIONS Sec. 111. State workforce investment boards. Sec. 112. State plan.</p> <p>CHAPTER 2--LOCAL PROVISIONS Sec. 116. Local workforce investment areas. Sec. 117. Local workforce investment boards. Sec. 118. Local plan.</p> <p>CHAPTER 3--WORKFORCE INVESTMENT ACTIVITIES PROVIDERS</p>	<p>SECTION 1. SHORT TITLE; TABLE OF CONTENTS.</p> <p>(a) Short Title.—This Act may be cited as the “Workforce Innovation and Opportunity Act”.</p> <p>(b) Table of Contents.—The table of contents for this Act is as follows:</p> <p>Sec. 1. Short title; table of contents. Sec. 2. Purposes.</p> <p>Sec. 3. Definitions.</p> <p><u>TITLE I—WORKFORCE DEVELOPMENT ACTIVITIES</u> SUBTITLE A—SYSTEM ALIGNMENT CHAPTER 1—STATE PROVISIONS Sec. 101. State workforce development boards. Sec. 102. Unified State plan. Sec. 103. Combined State plan.</p> <p>CHAPTER 2—LOCAL PROVISIONS Sec. 106. Workforce development areas. Sec. 107. Local workforce development boards. Sec. 108. Local plan.</p> <p>CHAPTER 3—BOARD PROVISIONS</p>

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<p>Sec. 136. Performance accountability system.</p> <p>Sec. 121. Establishment of one-stop delivery systems.</p> <p>Sec. 122. Identification of eligible providers of training services.</p> <p>Sec. 123. Identification of eligible providers of youth activities.</p> <p>CHAPTER 4--YOUTH ACTIVITIES</p> <p>Sec. 126. General authorization.</p> <p>Sec. 127. State allotments.</p> <p>Sec. 128. Within State allocations.</p> <p>Sec. 129. Use of funds for youth activities.</p> <p>CHAPTER 5--ADULT AND DISLOCATED WORKER EMPLOYMENT AND TRAINING ACTIVITIES</p> <p>Sec. 131. General authorization.</p> <p>Sec. 132. State allotments.</p> <p>Sec. 133. Within State allocations.</p> <p>Sec. 134. Use of funds for employment and training activities.</p> <p>CHAPTER 6--GENERAL PROVISIONS</p> <p>Sec. 136. Performance accountability system. <b>(CORRESPONDS TO SECTION 116 IN WIOA)</b></p> <p>Sec. 137. Authorization of appropriations.</p>	<p><b>Sec. 111. Funding of State and local boards.</b></p> <p>CHAPTER 4—PERFORMANCE ACCOUNTABILITY</p> <p>Sec. 116. Performance accountability system.</p> <p>SUBTITLE B—WORKFORCE INVESTMENT ACTIVITIES AND PROVIDERS</p> <p>CHAPTER 1—WORKFORCE INVESTMENT ACTIVITIES AND PROVIDERS</p> <p>Sec. 121. Establishment of one-stop delivery systems.</p> <p>Sec. 122. Identification of eligible providers of training services.</p> <p>Sec. 123. Eligible providers of youth workforce investment activities.</p> <p>CHAPTER 2—YOUTH WORKFORCE INVESTMENT ACTIVITIES</p> <p>Sec. 126. General authorization.</p> <p>Sec. 127. State allotments.</p> <p>Sec. 128. Within State allocations.</p> <p>Sec. 129. Use of funds for youth workforce investment activities.</p> <p>CHAPTER 3—ADULT AND DISLOCATED WORKER EMPLOYMENT AND TRAINING ACTIVITIES</p> <p>Sec. 131. General authorization.</p> <p>Sec. 132. State allotments.</p> <p>Sec. 133. Within State allocations.</p> <p>Sec. 134. Use of funds for employment and training activities.</p> <p>CHAPTER 4—GENERAL WORKFORCE INVESTMENT PROVISIONS</p> <p>Sec. 136. Authorization of appropriations.</p>

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<p>SUBTITLE D--NATIONAL PROGRAMS</p> <p>Sec. 166. Native American programs.</p> <p>Sec. 167. Migrant and seasonal farmworker programs.</p> <p>Sec. 170. Technical assistance.</p> <p><del>Sec. 168. Veterans' workforce investment programs.</del></p> <p>Sec. 170. Technical assistance. <b>(CORRESPONDS TO SECTION 168 OF WIOA)</b></p> <p>Sec. 171. Demonstration, pilot, multiservice, research, and multistate projects</p> <p>Sec. 172. Evaluations.</p> <p>Sec. 173. National emergency grants.</p> <p><del>Sec. 169. Youth opportunity grants</del></p> <p>Sec. 174. Authorization of appropriations.</p> <p>SUBTITLE E--ADMINISTRATION</p> <p>Sec. 181. Requirements and restrictions.</p> <p>Sec. 182. Prompt allocation of funds.</p> <p>Sec. 183. Monitoring.</p> <p>Sec. 184. Fiscal controls; sanctions.</p> <p>Sec. 185. Reports; recordkeeping; investigations.</p> <p>Sec. 186. Administrative adjudication.</p> <p>Sec. 187. Judicial review.</p> <p>Sec. 188. Nondiscrimination.</p> <p>Sec. 189. Administrative provisions.</p> <p>Sec. 190. Reference.</p> <p>Sec. 192. Workforce flexibility plans.</p> <p>Sec. 191. State legislative authority.</p> <p>Sec. 192. Workforce flexibility plans. <b>(CORRESPONDS TO SECTION 190 OF WIOA)</b></p> <p>Sec. 193. Use of certain real property.</p>	<p>SUBTITLE D—NATIONAL PROGRAMS</p> <p>Sec. 166. Native American programs.</p> <p>Sec. 167. Migrant and seasonal farmworker programs.</p> <p>Sec. 168. Technical assistance.</p> <p>Sec. 169. Evaluations and research.</p> <p>Sec. 170. National dislocated worker grants.</p> <p><b>Sec. 171. YouthBuild program.</b></p> <p>Sec. 172. Authorization of appropriations.</p> <p>SUBTITLE E—ADMINISTRATION</p> <p>Sec. 181. Requirements and restrictions.</p> <p>Sec. 182. Prompt allocation of funds.</p> <p>Sec. 183. Monitoring.</p> <p>Sec. 184. Fiscal controls; sanctions.</p> <p>Sec. 185. Reports; recordkeeping; investigations.</p> <p>Sec. 186. Administrative adjudication.</p> <p>Sec. 187. Judicial review.</p> <p>Sec. 188. Nondiscrimination.</p> <p>Sec. 189. Secretarial administrative authorities and responsibilities.</p> <p>Sec. 190. Workforce flexibility plans.</p> <p>Sec. 191. State legislative authority.</p>

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<p>Sec. 194. Continuation of State activities and policies. Sec. 195. General program requirements.</p> <p>SUBTITLE F--REPEALS AND CONFORMING AMENDMENTS Sec. 199. Repeals. Sec. 199A. Conforming amendments.</p> <p><u>TITLE III--WORKFORCE INVESTMENT-RELATED ACTIVITIES</u> SUBTITLE A--WAGNER-PEYSER ACT</p> <p>Sec. 301. Definitions. Sec. 302. Functions. Sec. 303. Designation of State agencies. Sec. 304. Appropriation Sec. 305. Disposition of allotted funds. Sec. 306. State plans. Sec. 307. Repeal of Federal advisory council. Sec. 308. Regulations. Sec. 309. Employment statistics. Sec. 310. Technical amendments. Sec. 311. Effective date.</p> <p><u>TITLE V--GENERAL PROVISIONS</u></p> <p>Sec. 501. State unified plan. <b>(CORRESPONDS TO SECTION 103 OF WIOA)</b> Sec. 502. Definitions for indicators of performance.</p>	<p>Sec. 192. Transfer of Federal equity in State employment security agency real property to the States. Sec. 193. Continuation of State activities and policies. Sec. 194. General program requirements. Sec. 195. Restrictions on lobbying activities.</p> <p><u>TITLE III—AMENDMENTS TO THE WAGNER-PEYSER ACT</u></p> <p>Sec. 301. Employment service offices. Sec. 302. Definitions. Sec. 303. Federal and State employment service offices.</p> <p>Sec. 304. Allotment of sums. Sec. 305. Use of sums. Sec. 306. State plan.</p> <p>Sec. 307. Performance measures. Sec. 308. Workforce and labor market information system.</p> <p><u>TITLE V—GENERAL PROVISIONS</u> SUBTITLE A—WORKFORCE INVESTMENT</p>

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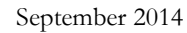


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<p>Sec. 503. Incentive grants.</p> <p>Sec. 504. Privacy.</p> <p>Sec. 505. Buy-American requirements.</p> <p>Sec. 506. Transition provisions.</p> <p>Sec. 507. Effective date.</p>	<p>Sec. 501. Privacy.</p> <p>Sec. 502. Buy-American requirements.</p> <p>Sec. 503. Transition provisions.</p> <p>Sec. 504. Reduction of reporting burdens and requirements.</p> <p>Sec. 505. Report on data capability of Federal and State databases and data exchange agreements.</p> <p>Sec. 506. Effective dates.</p> <p>SUBTITLE B—AMENDMENTS TO OTHER LAWS</p> <p>Sec. 511. Repeal of the Workforce Investment Act of 1998.</p> <p>Sec. 512. Conforming amendments.</p> <p>Sec. 513. References.</p>
<p>SEC. 106. PURPOSE.</p> <p>The purpose of this subtitle is to provide workforce investment activities, through statewide and local workforce investment systems, that increase the employment, retention, and earnings of participants, and increase occupational skill attainment by participants, and, as a result, improve the quality of the workforce, reduce welfare dependency, and enhance the productivity and competitiveness of the Nation.</p>	<p>SEC. 2. PURPOSES.</p> <p>The purposes of this Act are the following:</p> <p>(1) To increase, for individuals in the United States, particularly those individuals with barriers to employment, access to and opportunities for the employment, education, training, and support services they need to succeed in the labor market.</p> <p>(2) To support the alignment of workforce investment, education, and economic development systems in support of a comprehensive, accessible, and high-quality workforce development system in the United States.</p> <p>(3) To improve the quality and labor market relevance of workforce investment, education, and economic development efforts to provide America's workers with the skills and credentials necessary to secure and advance in employment with family-sustaining wages and to provide America's employers with the skilled workers the employers need to succeed in a global economy.</p> <p>(4) To promote improvement in the structure of and delivery of services</p>

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<p>(2) ADULT EDUCATION; ADULT EDUCATION AND LITERACY ACTIVITIES.-- The terms "adult education" and "adult education and literacy activities" have the meanings given the terms in section 203.</p> <p>(3) AREA VOCATIONAL EDUCATION SCHOOL.-- The term "area vocational education school" has the meaning given the term in section 521 of the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2471).</p> <p>(4) BASIC SKILLS DEFICIENT.--The term "basic skills deficient" means, with respect to an individual, that the individual has English reading, writing, or computing skills at or below the 8th grade level on a generally accepted standardized test or a comparable score on a criterion-referenced test.</p>	<p>(3) ADULT EDUCATION; ADULT EDUCATION AND LITERACY ACTIVITIES.— The terms “adult education” and “adult education and literacy activities” have the meanings given the terms in section 203.</p> <p>(4) AREA CAREER AND TECHNICAL EDUCATION SCHOOL.—The term “area career and technical education school” has the meaning given the term in section 3 of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2302).</p> <p>(5) BASIC SKILLS DEFICIENT.—The term “basic skills deficient” means, with respect to an individual— (A) who is a youth, that the individual has English reading, writing, or computing skills at or below the 8th grade level on a generally accepted standardized test; or (B) who is a youth or adult, that the individual is unable to compute or solve problems, or read, write, or speak English, at a level necessary to function on the job, in the individual’s family, or in society.</p> <p>(6) CAREER AND TECHNICAL EDUCATION.—The term “career and technical education” has the meaning given the term in section 3 of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2302).</p> <p>(7) CAREER PATHWAY.—The term “career pathway” means a combination of rigorous and high-quality education, training, and other services that— (A) aligns with the skill needs of industries in the economy of the State or regional economy involved; (B) prepares an individual to be successful in any of a full range of secondary or postsecondary education options, including apprenticeships registered under the Act of August 16, 1937 (commonly known as the</p>

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<p>(5) <b>CASE MANAGEMENT</b>.--The term "case management" means the provision of a client-centered approach in the delivery of services, designed—</p> <p>(A) to prepare and coordinate comprehensive employment plans, such as service strategies, for participants to ensure access to necessary workforce investment activities and supportive services, using, where feasible, computer- based technologies; and</p> <p>(B) to provide job and career counseling during program participation and after job placement.</p> <p>(6) <b>CHIEF ELECTED OFFICIAL</b>.--The term "chief elected official" means—</p> <p>(A) the chief elected executive officer of a unit of general local government</p>	<p>"National Apprenticeship Act"; 50 Stat. 664, chapter 663; 29 U.S.C. 50 et seq.) (referred to individually in this Act as an "apprenticeship", except in section 171);</p> <p>(C) includes counseling to support an individual in achieving the individual's education and career goals;</p> <p>(D) includes, as appropriate, education offered concurrently with and in the same context as workforce preparation activities and training for a specific occupation or occupational cluster;</p> <p>(E) organizes education, training, and other services to meet the particular needs of an individual in a manner that accelerates the educational and career advancement of the individual to the extent practicable;</p> <p>(F) enables an individual to attain a secondary school diploma or its recognized equivalent, and at least 1 recognized postsecondary credential; and</p> <p>(G) helps an individual enter or advance within a specific occupation or occupational cluster.</p> <p>(8) <b>CAREER PLANNING</b>.—The term "career planning" means the provision of a client-centered approach in the delivery of services, designed—</p> <p>(A) to prepare and coordinate comprehensive employment plans, such as service strategies, for participants to ensure access to necessary workforce investment activities and supportive services, using, where feasible, computer-based technologies; and</p> <p>(B) to provide job, <b>education</b>, and career counseling, as appropriate during program participation and after job placement.</p> <p>(9) <b>CHIEF ELECTED OFFICIAL</b>.—The term "chief elected official" means—</p> <p>(A) the chief elected executive officer of a unit of general local government</p>

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<p>in a local area; and (B) in a case in which a local area includes more than one unit of general local government, the individuals designated under the agreement described in section 117(c)(1)(B).</p> <p>(7) COMMUNITY-BASED ORGANIZATION.--The term "community- based organization" means a private nonprofit organization that is representative of a community or a significant segment of a community and that has demonstrated expertise and effectiveness in the field of workforce investment.</p>	<p>in a local area; and (B) in a case in which a local area includes more than 1 unit of general local government, the individuals designated under the agreement described in section 107(c)(1)(B).</p> <p>(10) COMMUNITY-BASED ORGANIZATION.—The term “community-based organization” means a private nonprofit organization <b>(which may include a faith-based organization)</b>, that is representative of a community or a significant segment of a community and that has demonstrated expertise and effectiveness in the field of workforce development.</p> <p><b>(11) COMPETITIVE INTEGRATED EMPLOYMENT.—The term “competitive integrated employment” has the meaning given the term in section 7 of the Rehabilitation Act of 1973 (29 U.S.C. 705), for individuals with disabilities.</b></p> <p><b>(12) CORE PROGRAM.—The term “core programs” means a program authorized under a core program provision.</b></p> <p><b>(13) CORE PROGRAM PROVISION.—The term “core program provision” means—</b> <b>(A) chapters 2 and 3 of subtitle B of title I (relating to youth workforce investment activities and adult and dislocated worker employment and training activities);</b> <b>(B) title II (relating to adult education and literacy activities);</b> <b>(C) sections 1 through 13 of the Wagner-Peyser Act (29 U.S.C. 49 et seq.) (relating to employment services); and</b> <b>(D) title I of the Rehabilitation Act of 1973 (29 U.S.C. 720 et seq.), other than section 112 or part C of that title (29 U.S.C. 732, 741) (relating to vocational rehabilitation services).</b></p>

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<p>(8) CUSTOMIZED TRAINING.--The term "customized training " means training—</p> <p>(A) that is designed to meet the special requirements of an employer (including a group of employers);</p> <p>(B) that is conducted with a commitment by the employer to employ an individual on successful completion of the training; and</p> <p><del>(C) for which the employer pays for not less than 50 percent of the cost of the training.</del></p>	<p>(14) CUSTOMIZED TRAINING.—The term “customized training” means training—</p> <p>(A) that is designed to meet the specific requirements of an employer (including a group of employers);</p> <p>(B) that is conducted with a commitment by the employer to employ an individual upon successful completion of the training; and</p> <p>(C) for which the employer pays—</p> <p>(i) a significant portion of the cost of training, as determined by the local board involved, taking into account the size of the employer and such other factors as the local board determines to be appropriate, which may include the number of employees participating in training, wage and benefit levels of those employees (at present and anticipated upon completion of the training), relation of the training to the competitiveness of a participant, and other employer-provided training and advancement opportunities; and</p> <p>(ii) in the case of customized training (as defined in subparagraphs (A) and (B)) involving an employer located in multiple local areas in the State, a significant portion of the cost of the training, as determined by the Governor of the State, taking into account the size of the employer and such other factors as the Governor determines to be appropriate.</p>
<p>(9) DISLOCATED WORKER.--The term "dislocated worker" means an individual who—</p> <p>(A)(i) has been terminated or laid off, or who has received a notice of termination or layoff, from employment;</p> <p>(ii)(I) is eligible for or has exhausted entitlement to unemployment compensation; or</p> <p>(II) has been employed for a duration sufficient to demonstrate, to the</p>	<p>(15) DISLOCATED WORKER.—The term “dislocated worker” means an individual who—</p> <p>(A)(i) has been terminated or laid off, or who has received a notice of termination or layoff, from employment;</p> <p>(ii)(I) is eligible for or has exhausted entitlement to unemployment compensation; or</p> <p>(II) has been employed for a duration sufficient to demonstrate, to the</p>

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<p>appropriate entity at a one-stop center referred to in section 134(c), attachment to the workforce, but is not eligible for unemployment compensation due to insufficient earnings or having performed services for an employer that were not covered under a State unemployment compensation law; and</p> <p>(iii) is unlikely to return to a previous industry or occupation;</p> <p>(B)(i) has been terminated or laid off, or has received a notice of termination or layoff, from employment as a result of any permanent closure of, or any substantial layoff at, a plant, facility, or enterprise;</p> <p>(ii) is employed at a facility at which the employer has made a general announcement that such facility will close within 180 days; or</p> <p>(iii) for purposes of eligibility to receive services other than training services described in section 134(d)(4) intensive services described in section 134(d)(3), or supportive services, is employed at a facility at which the employer has made a general announcement that such facility will close;</p> <p>(C) was self-employed (including employment as a farmer, a rancher, or a fisherman) but is unemployed as a result of general economic conditions in the community in which the individual resides or because of natural disasters; or</p> <p>(D) is a displaced homemaker.</p>	<p>appropriate entity at a one-stop center referred to in section 121(e), attachment to the workforce, but is not eligible for unemployment compensation due to insufficient earnings or having performed services for an employer that were not covered under a State unemployment compensation law; and</p> <p>(iii) is unlikely to return to a previous industry or occupation;</p> <p>(B)(i) has been terminated or laid off, or has received a notice of termination or layoff, from employment as a result of any permanent closure of, or any substantial layoff at, a plant, facility, or enterprise;</p> <p>(ii) is employed at a facility at which the employer has made a general announcement that such facility will close within 180 days; or</p> <p>(iii) for purposes of eligibility to receive services other than training services described in section 134(c)(3), career services described in section 134(c)(2)(A)(xii), or supportive services, is employed at a facility at which the employer has made a general announcement that such facility will close;</p> <p>(C) was self-employed (including employment as a farmer, a rancher, or a fisherman) but is unemployed as a result of general economic conditions in the community in which the individual resides or because of natural disasters;</p> <p>(D) is a displaced homemaker; or</p> <p>(E)(i) is the spouse of a member of the Armed Forces on active duty (as defined in section 101(d)(1) of title 10, United States Code), and who has experienced a loss of employment as a direct result of relocation to accommodate a permanent change in duty station of such member; or</p>

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<p>(10) DISPLACED HOMEMAKER.--The term "displaced homemaker" means an individual who has been providing unpaid services to family members in the home and who—</p> <p>(A) has been dependent on the income of another family member but is no longer supported by that income; and</p> <p>(B) is unemployed or underemployed and is experiencing difficulty in obtaining or upgrading employment.</p> <p>(11) ECONOMIC DEVELOPMENT AGENCIES.--</p> <p>The term "economic development agencies" includes local planning and zoning commissions or boards community development agencies, and other local agencies and institutions responsible for regulating, promoting, or assisting in local economic development.</p> <p><del>(12) ELIGIBLE PROVIDER.—The term "eligible provider", used with respect to—</del></p> <p><del>—(A) training services, means a provider who is identified in accordance with section 122(e)(3);</del></p>	<p>(ii) is the spouse of a member of the Armed Forces on active duty and who meets the criteria described in paragraph (16)(B).</p> <p>(16) DISPLACED HOMEMAKER.—The term “displaced homemaker” means an individual who has been providing unpaid services to family members in the home and who—</p> <p>(A)(i) has been dependent on the income of another family member but is no longer supported by that income; or</p> <p>(ii) is the dependent spouse of a member of the Armed Forces on active duty (as defined in section 101(d)(1) of title 10, United States Code) and whose family income is significantly reduced because of a deployment (as defined in section 991(b) of title 10, United States Code, or pursuant to paragraph (4) of such section), a call or order to active duty pursuant to a provision of law referred to in section 101(a)(13)(B) of title 10, United States Code, a permanent change of station, or the service-connected (as defined in section 101(16) of title 38, United States Code) death or disability of the member; and</p> <p>(B) is unemployed or underemployed and is experiencing difficulty in obtaining or upgrading employment.</p> <p>(17) ECONOMIC DEVELOPMENT AGENCY.—</p> <p>The term “economic development agency” includes a local planning or zoning commission or board, a community development agency, or another local agency or institution responsible for regulating, promoting, or assisting in local economic development.</p>

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<p><del>(B) intensive services, means a provider who is identified or awarded a contract as described in section 134(d)(3)(B);-</del> <del>(C) youth activities, means a provider who is awarded a grant or contract in accordance with section 123; or</del> <del>(D) other workforce investment activities, means a public or private entity selected to be responsible for such activities, such as a one-stop operator designated or certified under section 121(d).</del></p> <p>(13) ELIGIBLE YOUTH.--Except as provided in subtitles C and D, the term "eligible youth" means an individual who— <del>(A) is not less than age 14 and not more than age 21;</del> <del>(B) is a low income individual; and</del> <del>(C) is an individual who is one or more of the following:-</del> <del>(i) Deficient in basic literacy skills.-</del> <del>(ii) A school dropout.-</del> <del>(iii) Homeless, a runaway, or a foster child.-</del> <del>(iv) Pregnant or a parent.-</del> <del>(v) An offender.-</del> <del>(vi) An individual who requires additional assistance to complete an educational program, or to secure and hold employment.</del></p> <p>(14) EMPLOYMENT AND TRAINING ACTIVITY.--The term "employment and training activity" means an activity described in section 134 that is carried out for an adult or dislocated worker.</p>	<p>(18) ELIGIBLE YOUTH.—Except as provided in subtitles C and D of title I, the term “eligible youth” means an in-school youth or out-of-school youth.</p> <p>(19) EMPLOYMENT AND TRAINING ACTIVITY.—The term “employment and training activity” means an activity described in section 134 that is carried out for an adult or dislocated worker.</p> <p>(20) ENGLISH LANGUAGE ACQUISITION PROGRAM.—The term “English language acquisition program” has the meaning given the term in section 203.</p>

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# WIA & WIOA Side-by-Side

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<p><del>(15) FAMILY.—The term "family" means two or more persons related by blood, marriage, or decree of court, who are living in a single residence, and are included in one or more of the following categories:—</del></p> <p><del>(A) A husband, wife, and dependent children.—</del></p> <p><del>(B) A parent or guardian and dependent children.—</del></p> <p><del>(C) A husband and wife.—</del></p> <p>(16) GOVERNOR.—The term "Governor" means the chief executive of a State.</p>	<p>(21) ENGLISH LANGUAGE LEARNER.—The term "English language learner" has the meaning given the term in section 203.</p> <p>(22) GOVERNOR.—The term "Governor" means the chief executive of a State or an outlying area.</p> <p>(23) IN-DEMAND INDUSTRY SECTOR OR OCCUPATION.—</p> <p>(A) IN GENERAL.—The term "in-demand industry sector or occupation" means—</p> <p>(i) an industry sector that has a substantial current or potential impact (including through jobs that lead to economic self-sufficiency and opportunities for advancement) on the State, regional, or local economy, as appropriate, and that contributes to the growth or stability of other supporting businesses, or the growth of other industry sectors; or</p> <p>(ii) an occupation that currently has or is projected to have a number of positions (including positions that lead to economic self-sufficiency and opportunities for advancement) in an industry sector so as to have a significant impact on the State, regional, or local economy, as appropriate.</p> <p>(B) DETERMINATION.—The determination of whether an industry sector or occupation is in-demand under this paragraph shall be made by the State board or local board, as appropriate, using State and regional business and labor market projections, including the use of labor market information.</p>

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	<p>(24) <b>INDIVIDUAL WITH A BARRIER TO EMPLOYMENT.</b>—The term “individual with a barrier to employment” means a member of 1 or more of the following populations:</p> <ul style="list-style-type: none"><li>(A) Displaced homemakers.</li><li>(B) Low-income individuals.</li><li>(C) Indians, Alaska Natives, and Native Hawaiians, as such terms are defined in section 166.</li><li>(D) Individuals with disabilities, including youth who are individuals with disabilities.</li><li>(E) Older individuals.</li><li>(F) Ex-offenders.</li><li>(G) Homeless individuals (as defined in section 41403(6) of the Violence Against Women Act of 1994 (42 U.S.C. 14043e-2(6))), or homeless children and youths (as defined in section 725(2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a(2))).</li><li>(H) Youth who are in or have aged out of the foster care system.</li><li>(I) Individuals who are English language learners, individuals who have low levels of literacy, and individuals facing substantial cultural barriers.</li><li>(J) Eligible migrant and seasonal farmworkers, as defined in section 167(i).</li><li>(K) Individuals within 2 years of exhausting lifetime eligibility under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.).</li><li>(L) Single parents (including single pregnant women).</li><li>(M) Long-term unemployed individuals.</li><li>(N) Such other groups as the Governor involved determines to have barriers to employment.</li></ul>
<p>(17) <b>INDIVIDUAL WITH A DISABILITY.</b>—</p> <p>(A) <b>IN GENERAL.</b>—The term “individual with a disability” means an individual with any disability (as defined in section 3 of the Americans with</p>	<p>(25) <b>INDIVIDUAL WITH A DISABILITY.</b>—</p> <p>(A) <b>IN GENERAL.</b>—The term “individual with a disability” means an individual with a disability as defined in section 3 of the Americans with</p>

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<p>Disabilities Act of 1990 (42 U.S.C. 12102)). (B) INDIVIDUALS WITH DISABILITIES.--The term "individuals with disabilities" means more than one individual with a disability.</p>	<p>Disabilities Act of 1990 (42 U.S.C.12102). (B) INDIVIDUALS WITH DISABILITIES.—The term “individuals with disabilities” means more than 1 individual with a disability.</p> <p>(26) INDUSTRY OR SECTOR PARTNERSHIP.—The term “industry or sector partnership” means a workforce collaborative, convened by or acting in partnership with a State board or local board, that—</p> <p>(A) organizes key stakeholders in an industry cluster into a working group that focuses on the shared goals and human resources needs of the industry cluster and that includes, at the appropriate stage of development of the partnership—</p> <p>(i) representatives of multiple businesses or other employers in the industry cluster, including small and medium-sized employers when practicable;</p> <p>(ii) 1 or more representatives of a recognized State labor organization or central labor council, or another labor representative, as appropriate; and</p> <p>(iii) 1 or more representatives of an institution of higher education with, or another provider of, education or training programs that support the industry cluster; and</p> <p>(B) may include representatives of—</p> <p>(i) State or local government;</p> <p>(ii) State or local economic development agencies;</p> <p>(iii) State boards or local boards, as appropriate;</p> <p>(iv) a State workforce agency or other entity providing employment services;</p> <p>(v) other State or local agencies;</p>

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<p>(18) LABOR MARKET AREA.--The term "labor market area" means an economically integrated geographic area within which individuals can reside and find employment within a reasonable distance or can readily change employment without changing their place of residence. Such an area shall be identified in accordance with criteria used by the Bureau of Labor Statistics of the Department of Labor in defining such areas or similar criteria established by a Governor.</p> <p>(19) LITERACY.--The term "literacy" has the meaning given the term in section</p>	<p>(vi) business or trade associations; (vii) economic development organizations; (viii) nonprofit organizations, community-based organizations, or intermediaries; (ix) philanthropic organizations; (x) industry associations; and (xi) other organizations, as determined to be necessary by the members comprising the industry or sector partnership.</p> <p>(27) IN-SCHOOL YOUTH.—The term “in-school youth” means a youth described in section 129(a)(1)(C).</p> <p>(28) INSTITUTION OF HIGHER EDUCATION.—The term “institution of higher education” has the meaning given the term in section 101, and subparagraphs (A) and (B) of section 102(a)(1), of the Higher Education Act of 1965 (20 U.S.C. 1001, 1002(a)(1)).</p> <p>(29) INTEGRATED EDUCATION AND TRAINING.—The term “integrated education and training” has the meaning given the term in section 203.</p> <p>(30) LABOR MARKET AREA.—The term “labor market area” means an economically integrated geographic area within which individuals can reside and find employment within a reasonable distance or can readily change employment without changing their place of residence. Such an area shall be identified in accordance with criteria used by the Bureau of Labor Statistics of the Department of Labor in defining such areas or similar criteria established by a Governor.</p> <p>(31) LITERACY.—The term “literacy” has the meaning given the term in section</p>

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<p>203.</p> <p>(20) LOCAL AREA.--The term "local area" means a local workforce investment area designated under section 116.</p> <p>(21) LOCAL BOARD.--The term "local board" means a local workforce investment board established under section 117.</p> <p><del>(22) LOCAL PERFORMANCE MEASURE.--The term "local performance measure" means a performance measure established under section 136(c).</del></p> <p>(23) LOCAL EDUCATIONAL AGENCY.--The term "local educational agency" has the meaning given the term in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).</p> <p><b>(24) LOWER LIVING STANDARD INCOME LEVEL - (CORRESPONDS TO ANOTHER DEFINITION IN THIS SECTION)</b></p> <p>(25) LOW-INCOME INDIVIDUAL.--The term "low-income individual" means an individual who—</p> <p>(A) receives, or is a member of a family that receives, cash payments under a Federal, State, or local income-based public assistance program;</p> <p>(B) received an income, or is a member of a family that received a total family income, for the 6-month period prior to application for the program involved (exclusive of unemployment compensation, child support payments, payments described in subparagraph (A), and old-age and survivors insurance benefits received under section 202 of the Social Security Act (42 U.S.C. 402))</p>	<p>203.</p> <p>(32) LOCAL AREA.—The term “local area” means a local workforce investment area designated under section 106, <b>subject to sections 106(c)(3)(A), 107(c)(4)(B)(i), and 189(i).</b></p> <p>(33) LOCAL BOARD.—The term “local board” means a local workforce development board established under section 107, subject to section 107(c)(4)(B)(i).</p> <p>(34) LOCAL EDUCATIONAL AGENCY.—The term “local educational agency” has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).</p> <p><b>(35) LOCAL PLAN.—The term “local plan” means a plan submitted under section 108, subject to section 106(c)(3)(B).</b></p> <p>(36) LOW-INCOME INDIVIDUAL.—</p> <p>(A) IN GENERAL.—The term “low-income individual” means an individual who—</p> <p>(i) receives, <b>or in the past 6 months has received,</b> or is a member of a family that is receiving or in the past 6 months has received, assistance through the supplemental nutrition assistance program established under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.), the program of block grants to States for temporary assistance for needy families program under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.), or the supplemental security</p>

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<p>that, in relation to family size, does not exceed the higher of--</p> <ul style="list-style-type: none"><li>(i) the poverty line, for an equivalent period; or</li><li>(ii) 70 percent of the lower living standard income level, for an equivalent period;</li></ul> <p>(C) is a member of a household that receives (or has been determined within the 6-month period prior to application for the program involved to be eligible to receive) food stamps pursuant to the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.);</p> <p>(D) qualifies as a homeless individual, as defined in subsections (a) and (c) of section 103 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11302);</p> <p>(E) is a foster child on behalf of whom State or local government payments are made; or</p> <p><del>(F) in cases permitted by regulations promulgated by the Secretary of Labor, is an individual with a disability whose own income meets the requirements of a program described in subparagraph (A) or of subparagraph (B), but who is a member of a family whose income does not meet such requirements.</del></p> <p>(24) LOWER LIVING STANDARD INCOME LEVEL.— The term "lower living standard income level" means that income level (adjusted for regional, metropolitan, urban, and rural differences and family size) determined annually by the Secretary based on the most recent lower living family budget issued by the Secretary.</p> <p>(26) NONTRADITIONAL EMPLOYMENT.— The term "nontraditional employment" refers to occupations or fields of work for which individuals from one gender comprise less than 25 percent of the individuals employed in each such occupation or field of work.</p>	<p>income program established under title XVI of the Social Security Act (42 U.S.C.1381 et seq.), or State or local income-based public assistance;</p> <p>(ii) is in a family with total family income that does not exceed the higher of—</p> <ul style="list-style-type: none"><li>(I) the poverty line; or</li><li>(II) 70 percent of the lower living standard income level;</li></ul> <p>(iii) is a homeless individual (as defined in section 41403(6) of the Violence Against Women Act of 1994 (42 U.S.C. 14043e-2(6))), or a homeless child or youth (as defined under section 725(2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a(2)));</p> <p>(iv) receives or is eligible to receive a free or reduced price lunch under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.);</p> <p>(v) is a foster child on behalf of whom State or local government payments are made; or</p> <p>(vi) is an individual with a disability whose own income meets the income requirement of clause (ii), but who is a member of a family whose income does not meet this requirement.</p> <p>(B) LOWER LIVING STANDARD INCOME LEVEL.—The term "lower living standard income level" means that income level (adjusted for regional, metropolitan, urban, and rural differences and family size) determined annually by the Secretary of Labor based on the most recent lower living family budget issued by the Secretary.</p> <p>(37) NONTRADITIONAL EMPLOYMENT.—The term "nontraditional employment" refers to occupations or fields of work, for which individuals from the gender involved comprise less than 25 percent of the individuals employed in each such occupation or field of work.</p>

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<p>(27) OFFENDER.--The term "offender" means any adult or juvenile— (A) who is or has been subject to any stage of the criminal justice process, for whom services under this Act may be beneficial; or (B) who requires assistance in overcoming artificial barriers to employment resulting from a record of arrest or conviction.</p> <p>(28) OLDER INDIVIDUAL.--The term "older individual" means an individual age 55 or older.</p> <p>(29) ONE-STOP OPERATOR.--The term "one-stop operator" means 1 or more entities designated or certified under section 121(d).</p> <p>(30) ONE-STOP PARTNER.--The term "one-stop partner" means— (A) an entity described in section 121(b)(1); and (B) an entity described in section 121(b)(2) that is participating, with the approval of the local board and chief elected official, in the operation of a one-stop delivery system.</p> <p>(31) ON-THE-JOB TRAINING.--The term "on-the-job training " means training by an employer that is provided to a paid participant while engaged in productive work in a job that—</p>	<p>(38) OFFENDER.—The term “offender” means an adult or juvenile— (A) who is or has been subject to any stage of the criminal justice process, and for whom services under this Act may be beneficial; or (B) who requires assistance in overcoming artificial barriers to employment resulting from a record of arrest or conviction.</p> <p>(39) OLDER INDIVIDUAL.—The term “older individual” means an individual age 55 or older.</p> <p>(40) ONE-STOP CENTER.—The term “one-stop center” means a site described in section 121(e)(2).</p> <p>(41) ONE-STOP OPERATOR.—The term “one-stop operator” means 1 or more entities designated or certified under section 121(d).</p> <p>(42) ONE-STOP PARTNER.—The term “one-stop partner” means— (A) an entity described in section 121(b)(1); and (B) an entity described in section 121(b)(2) that is participating, with the approval of the local board and chief elected official, in the operation of a one-stop delivery system.</p> <p>(43) ONE-STOP PARTNER PROGRAM.—The term “one-stop partner program” means a program or activities described in section 121(b) of a one-stop partner.</p> <p>(44) ON-THE-JOB TRAINING.—The term “on-the-job training” means training by an employer that is provided to a paid participant while engaged in productive work in a job that—</p>

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<p>(A) provides knowledge or skills essential to the full and adequate performance of the job;</p> <p>(B) provides reimbursement to the employer of up to 50 percent of the wage rate of the participant, for the extraordinary costs of providing the training and additional supervision related to the training; and</p> <p>(C) is limited in duration as appropriate to the occupation for which the participant is being trained, taking into account the content of the training, the prior work experience of the participant, and the service strategy of the participant, as appropriate.</p> <p>(32) OUTLYING AREA.--The term "outlying area" means the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, <del>the Federated States of Micronesia</del>, and the Republic of Palau.</p> <p>(33) OUT-OF-SCHOOL YOUTH.--The term "out-of-school youth" means—</p> <p>(A) an eligible youth who is a school dropout; or</p> <p>(B) an eligible youth who has received a secondary school diploma or its equivalent but is basic skills deficient, unemployed, or underemployed.</p> <p><del>(34) PARTICIPANT.--The term "participant" means an individual who has been determined to be eligible to participate in and who is receiving services (except follow up services authorized under this title) under a program authorized by this title.</del></p>	<p>(A) provides knowledge or skills essential to the full and adequate performance of the job;</p> <p>(B) is made available through a program that provides reimbursement to the employer of up to 50 percent of the wage rate of the participant, <b>except as provided in section 134(c)(3)(H), for the extraordinary costs of providing the training</b> and additional supervision related to the training; and</p> <p>(C) is limited in duration as appropriate to the occupation for which the participant is being trained, taking into account the content of the training, the prior work experience of the participant, and the service strategy of the participant, as appropriate.</p> <p>(45) OUTLYING AREA.—The term "outlying area" means—</p> <p>(A) American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, and the United States Virgin Islands; and</p> <p>(B) the Republic of Palau, <b>except during any period for which the Secretary of Labor and the Secretary of Education determine that a Compact of Free Association is in effect and contains provisions for training and education assistance prohibiting the assistance provided under this Act.</b></p> <p>(46) OUT-OF-SCHOOL YOUTH.—The term "out-of-school youth" means a youth described in section 129(a)(1)(B).</p>

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<p><del>Participation shall be deemed to commence on the first day, following determination of eligibility, on which the individual began receiving subsidized employment, training, or other services provided under this title.</del></p> <p><del>(35) POSTSECONDARY EDUCATIONAL INSTITUTION.—The term "postsecondary educational institution" means an institution of higher education, as defined in section 481 of the Higher Education Act of 1965 (20 U.S.C. 1088).</del></p>	<p>(47) PAY-FOR-PERFORMANCE CONTRACT STRATEGY.—The term “pay-for-performance contract strategy” means a procurement strategy that uses pay-for-performance contracts in the provision of training services described in section 134(c)(3) or activities described in section 129(c)(2), and includes—</p> <p>(A) contracts, each of which shall specify a fixed amount that will be paid to an eligible service provider (which may include a local or national community-based organization or intermediary, community college, or other training provider, that is eligible under section 122 or 123, as appropriate) based on the achievement of specified levels of performance on the primary indicators of performance described in section 116(b)(2)(A) for target populations as identified by the local board (including individuals with barriers to employment), within a defined timetable, and which may provide for bonus payments to such service provider to expand capacity to provide effective training;</p> <p>(B) a strategy for independently validating the achievement of the performance described in subparagraph (A); and</p>

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<p>(36) POVERTY LINE.--The term "poverty line" means the poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))) applicable to a family of the size involved.</p> <p>(37) PUBLIC ASSISTANCE.--The term "public assistance" means Federal, State, or local government cash payments for which eligibility is determined by a needs or income test.</p> <p>(38) RAPID RESPONSE ACTIVITY.--The term "rapid response activity" means an activity provided by a State, or by an entity designated by a State, with funds provided by the State under section 134(a)(1)(A), in the case of a permanent closure or mass layoff at a plant, facility, or enterprise, or a natural or other disaster, that results in mass job dislocation, in order to assist dislocated workers in obtaining reemployment as soon as possible, with services including—</p> <p class="list-item-l1">(A) the establishment of onsite contact with employers and employee representatives—</p> <p class="list-item-l2">(i) immediately after the State is notified of a current or projected permanent closure or mass layoff; or</p>	<p>(C) a description of how the State or local area will reallocate funds not paid to a provider because the achievement of the performance described in subparagraph (A) did not occur, for further activities related to such a procurement strategy, subject to section 189(g)(4).</p> <p>(48) PLANNING REGION.—The term “planning region” means a region described in subparagraph (B) or (C) of section 106(a)(2), subject to section 107(c)(4)(B)(i).</p> <p>(49) POVERTY LINE.—The term “poverty line” means the poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))) applicable to a family of the size involved.</p> <p>(50) PUBLIC ASSISTANCE.—The term “public assistance” means Federal, State, or local government cash payments for which eligibility is determined by a needs or income test.</p> <p>(51) RAPID RESPONSE ACTIVITY.—The term “rapid response activity” means an activity provided by a State, or by an entity designated by a State, with funds provided by the State under section 134(a)(1)(A), in the case of a permanent closure or mass layoff at a plant, facility, or enterprise, or a natural or other disaster, that results in mass job dislocation, in order to assist dislocated workers in obtaining reemployment as soon as possible, with services including—</p> <p class="list-item-l1">(A) the establishment of onsite contact with employers and employee representatives—</p> <p class="list-item-l2">(i) immediately after the State is notified of a current or projected permanent closure or mass layoff; or</p>

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<p>(ii) in the case of a disaster, immediately after the State is made aware of mass job dislocation as a result of such disaster;</p> <p>(B) the provision of information and access to available employment and training activities;</p> <p>(C) assistance in establishing a labor-management committee, voluntarily agreed to by labor and management, with the ability to devise and implement a strategy for assessing the employment and training needs of dislocated workers and obtaining services to meet such needs;</p> <p>(D) the provision of emergency assistance adapted to the particular closure, layoff, or disaster; and</p> <p>(E) the provision of assistance to the local community in developing a coordinated response and in obtaining access to State economic development assistance.</p>	<p>(ii) in the case of a disaster, immediately after the State is made aware of mass job dislocation as a result of such disaster;</p> <p>(B) the provision of information on and access to available employment and training activities;</p> <p>(C) assistance in establishing a labor-management committee, voluntarily agreed to by labor and management, with the ability to devise and implement a strategy for assessing the employment and training needs of dislocated workers and obtaining services to meet such needs;</p> <p>(D) the provision of emergency assistance adapted to the particular closure, layoff, or disaster; and</p> <p>(E) the provision of assistance to the local community in developing a coordinated response and in obtaining access to State economic development assistance.</p> <p>(52) <b>RECOGNIZED POSTSECONDARY CREDENTIAL.</b>—The term “recognized postsecondary credential” means a credential consisting of an industry-recognized certificate or certification, a certificate of completion of an apprenticeship, a license recognized by the State involved or Federal Government, or an associate or baccalaureate degree.</p> <p>(53) <b>REGION.</b>—The term “region”, used without further description, means a region identified under section 106(a), subject to section 107(c)(4)(B)(i) and except as provided in section 106(b)(1)(B)(ii).</p> <p>(39) <b>SCHOOL DROPOUT.</b>—The term “school dropout” means an individual who is no longer attending any school and who has not received a secondary school diploma or its recognized equivalent.</p>
<p>(39) <b>SCHOOL DROPOUT.</b>—The term “school dropout” means an individual who is no longer attending any school and who has not received a secondary school diploma or its recognized equivalent.</p>	<p>(54) <b>SCHOOL DROPOUT.</b>—The term “school dropout” means an individual who is no longer attending any school and who has not received a secondary school diploma or its recognized equivalent.</p>

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<p>(40) SECONDARY SCHOOL.--The term "secondary school" has the meaning given the term in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).</p> <p><del>(41) SECRETARY.--The term "Secretary" means the Secretary of Labor, and the term means such Secretary for purposes of section 503.</del></p> <p>(42) STATE.--The term "State" means each of the several States of the United States, the District of Columbia, and the Commonwealth of Puerto Rico.</p> <p><del>(43) STATE ADJUSTED LEVEL OF PERFORMANCE.--The term "State-adjusted level of performance" means a level described in clause (iii) or (v) of section 136(b)(3)(A).</del></p> <p>(44) STATE BOARD.--The term "State board" means a State workforce investment board established under section 111.</p> <p><del>(45) STATE PERFORMANCE MEASURE.--The term "State performance measure" means a performance measure established under section 136(b).</del></p> <p>(46) SUPPORTIVE SERVICES.--The term "supportive services" means services such as transportation, child care, dependent care, housing, and needs-related payments, that are necessary to enable an individual to participate in activities authorized under this title, consistent with the provisions of this title.</p>	<p>(55) SECONDARY SCHOOL.—The term “secondary school” has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).</p> <p>(56) STATE.—The term “State” means each of the several States of the United States, the District of Columbia, and the Commonwealth of Puerto Rico.</p> <p>(57) STATE BOARD.—The term “State board” means a State workforce development board established under section 101.</p> <p>(58) STATE PLAN.—The term “State plan”, used without further description, means a unified State plan under section 102 or a combined State plan under section 103.</p> <p>(59) SUPPORTIVE SERVICES.—The term “supportive services” means services such as transportation, child care, dependent care, housing, and needs-related payments, that are necessary to enable an individual to participate in activities authorized under this Act.</p> <p>(60) TRAINING SERVICES.—The term “training services” means services</p>

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Workforce Investment Act of 1998	Workforce Innovation and Opportunity Act of 2014
<p>(47) UNEMPLOYED INDIVIDUAL.--The term "unemployed individual" means an individual who is without a job and who wants and is available for work. The determination of whether an individual is without a job shall be made in accordance with the criteria used by the Bureau of Labor Statistics of the Department of Labor in defining individuals as unemployed.</p> <p>(48) UNIT OF GENERAL LOCAL GOVERNMENT.--The term "unit of general local government" means any general purpose political subdivision of a State that has the power to levy taxes and spend funds, as well as general corporate and police powers.</p> <p>(49) VETERAN; RELATED DEFINITION.— (A) VETERAN.--The term "veteran" means an individual who served in the active military, naval, or air service, and who was discharged or released from such service under conditions other than dishonorable. (B) RECENTLY SEPARATED VETERAN.--The term "recently separated veteran" means any veteran who applies for participation under this title within 48 months after the discharge or release from active military, naval, or air service.</p> <p><del>(50) VOCATIONAL EDUCATION.--The term "vocational education" has the meaning given the term in section 521 of the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2471).</del></p>	<p>described in section 134(c)(3).</p> <p>(61) UNEMPLOYED INDIVIDUAL.—The term “unemployed individual” means an individual who is without a job and who wants and is available for work. The determination of whether an individual is without a job, for purposes of this paragraph, shall be made in accordance with the criteria used by the Bureau of Labor Statistics of the Department of Labor in defining individuals as unemployed.</p> <p>(62) UNIT OF GENERAL LOCAL GOVERNMENT.—The term “unit of general local government” means any general purpose political subdivision of a State that has the power to levy taxes and spend funds, as well as general corporate and police powers.</p> <p>(63) VETERAN; RELATED DEFINITION.— (A) VETERAN.—The term “veteran” has the meaning given the term in section 101 of title 38, United States Code. (B) RECENTLY SEPARATED VETERAN.— The term “recently separated veteran” means any veteran who applies for participation under this Act within 48 months after the discharge or release from active military, naval, or air service.</p> <p>(64) VOCATIONAL REHABILITATION PROGRAM.—The term “vocational rehabilitation program” means a program authorized under a provision covered under paragraph (13)(D).</p> <p>(65) WORKFORCE DEVELOPMENT ACTIVITY.—The term “workforce development activity” means an activity carried out through a workforce</p>

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<p>(51) WORKFORCE INVESTMENT ACTIVITY.-- The term "workforce investment activity" means an employment and training activity, and a youth activity.</p>	<p>development program.</p> <p>(66) WORKFORCE DEVELOPMENT PROGRAM.—The term “workforce development program” means a program made available through a workforce development system.</p> <p>(67) WORKFORCE DEVELOPMENT SYSTEM.—The term “workforce development system” means a system that makes available the core programs, the other one-stop partner programs, and any other programs providing employment and training services as identified by a State board or local board.</p> <p>(68) WORKFORCE INVESTMENT ACTIVITY.— The term “workforce investment activity” means an employment and training activity, and a youth workforce investment activity.</p> <p>(69) WORKFORCE PREPARATION ACTIVITIES.—The term “workforce preparation activities” has the meaning given the term in section 203.</p> <p>(70) WORKPLACE LEARNING ADVISOR.—The term “workplace learning advisor” means an individual employed by an organization who has the knowledge and skills necessary to advise other employees of that organization about the education, skill development, job training, career counseling services, and credentials, including services provided through the workforce development system, required to progress toward career goals of such employees in order to meet employer requirements related to job openings and career advancements that support economic self-sufficiency.</p>
<p>(52) YOUTH ACTIVITY.--The term "youth activity" means an activity described in</p>	<p>(71) YOUTH WORKFORCE INVESTMENT ACTIVITY.—The term “youth workforce</p>

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<p>section 129 that is carried out for eligible youth (or as described in section 129(c)(5)).</p> <p><del>(53) YOUTH COUNCIL.--The term "youth council" means a council established under section 117(h).</del></p>	<p>investment activity" means an activity described in section 129 that is carried out for eligible youth (or as described in section 129(a)(3)(A)).</p>
TITLE I – WORKFORCE INVESTMENT SYSTEMS/WORKFORCE DEVELOPMENT ACTIVITIES	
CHAPTER 1--STATE PROVISIONS	
<p>SEC. 111. STATE WORKFORCE INVESTMENT BOARDS.</p> <p>(a) IN GENERAL.--The Governor of a State shall establish a State workforce investment board to assist in the development of the State plan described in section 112 and to carry out the other functions described in subsection (d).</p> <p>(b) MEMBERSHIP.--</p> <p>(1) IN GENERAL.--The State Board shall include—</p> <p>(A) the Governor;</p> <p><del>(B) 2 members of each chamber of the State legislature, appointed by the appropriate presiding officers of each such chamber; and</del></p> <p>(C) representatives appointed by the Governor, who are—</p> <p><del>(i) representatives of business in the State, who—</del></p> <p>(3) MAJORITY.--A majority of the members of the State Board shall be representatives described in paragraph (1)(C)(i).</p> <p>(I) are owners of businesses, chief executives or operating officers of businesses, and other business executives or employers</p>	<p>SEC. 101. STATE WORKFORCE DEVELOPMENT BOARDS.</p> <p>(a) In General.—The Governor of a State shall establish a State workforce development board to carry out the functions described in subsection (d).</p> <p>(b) Membership.—</p> <p>(1) IN GENERAL.—The State board shall include—</p> <p>(A) the Governor;</p> <p><b>(B) a member of each chamber of the State legislature (to the extent consistent with State law), appointed by the appropriate presiding officers of such chamber; and</b></p> <p>(C) members appointed by the Governor, of which—</p> <p>(i) a majority shall be representatives of businesses in the State, who—</p> <p>(I) are owners of businesses, chief executives or operating officers of businesses, or other business executives or employers</p>

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<p>with optimum policymaking or hiring authority, including members of local boards described in section 117(b)(2)(A)(i);</p> <p>(II) represent businesses with employment opportunities that reflect the employment opportunities of the State; and</p> <p>(III) are appointed from among individuals nominated by State business organizations and business trade associations;</p> <p>(ii) <b>CORRESPONDS TO ANOTHER SECTION IN WIOA</b></p> <p>(iii) representatives of labor organizations, who have been nominated by State labor federations;</p> <p>(iv) <b>CORRESPONDS TO ANOTHER SECTION IN WIOA</b></p> <p>(v) representatives of individuals and organizations that have experience and expertise in the delivery of workforce investment activities, <del>including chief executive officers of community colleges</del> and community-based organizations within the State;</p>	<p>with optimum policymaking or hiring authority, and who, in addition, may be members of a local board described in section 107(b)(2)(A)(i);</p> <p>(II) represent businesses (including small businesses), or organizations representing businesses described in this subclause, that provide employment opportunities that, at a minimum, include high-quality, work-relevant training and development in in-demand industry sectors or occupations in the State; and</p> <p>(III) are appointed from among individuals nominated by State business organizations and business trade associations;</p> <p>(ii) not less than 20 percent shall be representatives of the workforce within the State, who—</p> <p>(I) shall include representatives of labor organizations, who have been nominated by State labor federations;</p> <p>(II) shall include a representative, who shall be a member of a labor organization or a training director, from a joint labor-management apprenticeship program, or if no such joint program exists in the State, such a representative of an apprenticeship program in the State;</p> <p>(III) may include representatives of community-based organizations that have demonstrated experience and expertise in addressing the employment, training, or education needs of individuals with barriers to employment, including organizations that serve veterans or that provide or support competitive, integrated employment for individuals with disabilities; and</p>

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<p>(iv) representatives of individuals and organizations that have experience with respect to youth activities;</p> <p>(vi)(I) the lead State agency officials with responsibility for the programs and activities that are described in section 121(b) and carried out by one-stop partners; and</p> <p>(ii) chief elected officials (representing both cities and counties, where appropriate);</p> <p>(II) in any case in which no lead State agency official has responsibility for such a program, service, or activity, a representative in the State with expertise relating to such program, service, or activity; and</p> <p>(vii) such other representatives and State agency officials as the Governor may designate, such as the State agency officials responsible for economic development and juvenile justice programs in the State.</p> <p>(2) <b>AUTHORITY AND REGIONAL REPRESENTATION OF BOARD MEMBERS.</b>—<del>Members of the board that represent organizations, agencies, or other entities shall be individuals with optimum policymaking authority within the organizations, agencies, or entities.</del> The members of the board shall represent</p>	<p>(IV) <b>may</b> include representatives of organizations that have demonstrated experience and expertise in addressing the employment, training, or education needs of eligible youth, <b>including representatives of organizations that serve out-of-school youth; and</b></p> <p><b>(iii) the balance—</b></p> <p><b>(I) shall include representatives of government, who—</b></p> <p>(aa) shall include the lead State officials with primary responsibility for the core programs; and</p> <p>(bb) shall include chief elected officials (collectively representing both cities and counties, where appropriate); and</p> <p><b>(II) may include such other representatives and officials as the Governor may designate, such as—</b></p> <p>(aa) the State agency officials from agencies that are one-stop partners not specified in subclause (I) (including additional one-stop partners whose programs are covered by the State plan, if any);</p> <p>(bb) State agency officials responsible for economic development or juvenile justice programs in the State;</p> <p><b>(cc) individuals who represent an Indian tribe or tribal organization, as such terms are defined in section 166(b); and</b></p> <p><b>(dd) State agency officials responsible for education programs in the State, including chief executive officers of community colleges and other institutions of higher education.</b></p> <p>(2) <b>DIVERSE AND DISTINCT REPRESENTATION.</b>—The members of the State board shall represent diverse geographic areas of the State, including urban, rural, and suburban areas.</p>

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<p>diverse regions of the State, including urban, rural, and suburban areas.</p> <p>(3) MAJORITY (<b>CORRESPONDS TO ANOTHER PART IN THIS SECTION</b>)</p> <p>(c) CHAIRMAN.--The Governor shall select a chairperson for the State Board from among the representatives described in subsection (b)(1)(C)(i).</p> <p>(d) FUNCTIONS.--The State Board shall assist the Governor in--</p> <p>(1) development of the State plan;</p> <p>(2) development and continuous improvement of a statewide system of activities that are funded under this subtitle or carried out through a one-stop delivery system described in section 134(c) that receives funds under this subtitle (referred to in this title as a "statewide workforce investment system"), including—</p> <p>(A) development of linkages in order to assure</p>	<p>(3) NO REPRESENTATION OF MULTIPLE CATEGORIES.—No person shall serve as a member for more than 1 of—</p> <p>(A) the category described in paragraph (1)(C)(i); or</p> <p>(B) 1 category described in a subclause of clause (ii) or (iii) of paragraph (1)(C).</p> <p>(c) Chairperson.—The Governor shall select a chairperson for the State board from among the representatives described in subsection (b)(1)(C)(i).</p> <p>(d) Functions.—The State board shall assist the Governor in—</p> <p>(1) the development, implementation, and modification of the State plan;</p> <p>(2) consistent with paragraph (1), the review of statewide policies, of statewide programs, and of recommendations on actions that should be taken by the State to align workforce development programs in the State in a manner that supports a comprehensive and streamlined workforce development system in the State, including the review and provision of comments on the State plans, if any, for programs and activities of one-stop partners that are not core programs;</p> <p>(3) the development and continuous improvement of the workforce development system in the State, including—</p> <p>(A) the identification of barriers and means for removing barriers to better</p>

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<p>coordination and nonduplication among the programs and activities described in section 121(b); and (B) review of local plans;</p> <p><del>(3) commenting at least once annually on the measures taken pursuant to section 113(b)(14) of the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C 2323(b)(14));</del></p> <p>(4) designation of local areas as required in section 116;</p> <p>(5) <b>CORRESPONDS TO ANOTHER SECTION IN WIOA</b></p>	<p>coordinate, align, and avoid duplication among the programs and activities carried out through the system;</p> <p>(B) the development of strategies to support the use of career pathways for the purpose of providing individuals, including low-skilled adults, youth, and individuals with barriers to employment (including individuals with disabilities), with workforce investment activities, education, and supportive services to enter or retain employment;</p> <p>(C) the development of strategies for providing effective outreach to and improved access for individuals and employers who could benefit from services provided through the workforce development system;</p> <p>(D) the development and expansion of strategies for meeting the needs of employers, workers, and jobseekers, particularly through industry or sector partnerships related to in-demand industry sectors and occupations;</p> <p>(E) the identification of regions, including planning regions, for the purposes of section 106(a), and the designation of local areas under section 106, after consultation with local boards and chief elected officials;</p> <p>(F) the development and continuous improvement of the one-stop delivery system in local areas, including providing assistance to local boards, one-stop operators, one-stop partners, and providers with planning and delivering services, including training services and supportive services, to support</p>

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<p>(6) development and continuous improvement of comprehensive State performance measures, including State adjusted levels of performance, to assess the effectiveness of the workforce investment activities in the State as required under section 136(b);</p>	<p>effective delivery of services to workers, jobseekers, and employers; and</p> <p>(G) the development of strategies to support staff training and awareness across programs supported under the workforce development system;</p> <p>(4) the development and updating of comprehensive State performance accountability measures, including State adjusted levels of performance, to assess the effectiveness of the core programs in the State as required under section 116(b);</p> <p>(5) the identification and dissemination of information on best practices, including best practices for—</p> <p>(A) the effective operation of one-stop centers, relating to the use of business outreach, partnerships, and service delivery strategies, including strategies for serving individuals with barriers to employment;</p> <p>(B) the development of effective local boards, which may include information on factors that contribute to enabling local boards to exceed negotiated local levels of performance, sustain fiscal integrity, and achieve other measures of effectiveness; and</p> <p>(C) effective training programs that respond to real-time labor market analysis, that effectively use direct assessment and prior learning assessment to measure an individual's prior knowledge, skills, competencies, and experiences, and that evaluate such skills, and competencies for adaptability, to support efficient placement into employment or career pathways;</p> <p>(6) the development and review of statewide policies affecting the coordinated provision of services through the State's one-stop delivery system described in section 121(e), including the development of—</p>

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	<p>(A) objective criteria and procedures for use by local boards in assessing the effectiveness and continuous improvement of one-stop centers described in such section;</p> <p>(B) guidance for the allocation of one-stop center infrastructure funds under section 121(h); and</p> <p>(C) policies relating to the appropriate roles and contributions of entities carrying out one-stop partner programs within the one-stop delivery system, including approaches to facilitating equitable and efficient cost allocation in such system;</p> <p>(7) the development of strategies for technological improvements to facilitate access to, and improve the quality of, services and activities provided through the one-stop delivery system, including such improvements to—</p> <p>(A) enhance digital literacy skills (as defined in section 202 of the Museum and Library Services Act (20 U.S.C. 9101); referred to in this Act as “digital literacy skills”);</p> <p>(B) accelerate the acquisition of skills and recognized postsecondary credentials by participants;</p> <p>(C) strengthen the professional development of providers and workforce professionals; and</p> <p>(D) ensure such technology is accessible to individuals with disabilities and individuals residing in remote areas;</p> <p>(8) the development of strategies for aligning technology and data systems across one-stop partner programs to enhance service delivery and improve efficiencies in reporting on performance accountability measures (including the design and implementation of common intake, data collection, case management information, and performance accountability measurement and reporting processes and the incorporation of local input into such design</p>

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<p>(5) development of allocation formulas for the distribution of funds for adult employment and training activities and youth activities to local areas as permitted under sections 128(b)(3)(B) and 133(b)(3)(B);</p> <p>(7) preparation of the annual report to the Secretary described in section 136(d);</p> <p>(8) development of the statewide employment statistics system described in section 15(e) of the Wagner-Peyser Act; and</p> <p><del>(9) development of an application for an incentive grant under section 503.</del></p> <p>(e) ALTERNATIVE ENTITY.--</p> <p>(1) IN GENERAL.--For purposes of complying with subsections (a), (b), and (c), a State may use any State entity (including a State council, State workforce development board, combination of regional workforce development boards, or similar entity) that--</p> <p>(A) was in existence on December 31, 1997;</p> <p>(B)(i) was established pursuant to section 122 or title VII of the Job Training</p>	<p>and implementation, to improve coordination of services across one-stop partner programs);</p> <p>(9) the development of allocation formulas for the distribution of funds for employment and training activities for adults, and youth workforce investment activities, to local areas as permitted under sections 128(b)(3) and 133(b)(3);</p> <p>(10) the preparation of the annual reports described in paragraphs (1) and (2) of section 116(d);</p> <p>(11) the development of the statewide workforce and labor market information system described in section 15(e) of the Wagner-Peyser Act (29 U.S.C. 491-2(e)); and</p> <p>(12) the development of such other policies as may promote statewide objectives for, and enhance the performance of, the workforce development system in the State.</p> <p>(e) Alternative Entity.—</p> <p>(1) IN GENERAL.—For the purposes of complying with subsections (a), (b), and (c), a State may use any State entity (including a State council, State workforce development board <b>(within the meaning of the Workforce Investment Act of 1998, as in effect on the day before the date of enactment of this Act)</b>, combination of regional workforce development boards, or similar entity)that—</p> <p>(A) was in existence on the day before the date of enactment of the Workforce Investment Act of 1998;</p>

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<p><b>Partnership Act, as in effect on December 31, 1997; or</b></p> <p>(ii) is substantially similar to the State board described in subsections (a), (b), and (c); and</p> <p>(C) includes representatives of business in the State and representatives of labor organizations in the State.</p> <p>(2) REFERENCES.--References in this Act to a State board shall be considered to include such an entity.</p> <p>(f) CONFLICT OF INTEREST.--A member of a State board may not--</p> <p>(1) vote on a matter under consideration by the State board--</p> <p>(A) regarding the provision of services by such member (or by an entity that such member represents); or</p> <p>(B) that would provide direct financial benefit to such member or the immediate family of such member; or</p> <p>(2) engage in any other activity determined by the Governor to constitute a conflict of interest as specified in the State plan.</p> <p>(g) SUNSHINE PROVISION.--The State board shall make available to the public, on a regular basis through open meetings, information regarding the activities of the State board, including information regarding the State plan prior to submission of the plan, information regarding membership, and, on request, minutes of formal meetings of the State board.</p>	<p>(B) is substantially similar to the State board described in subsections (a) through (c); and</p> <p>(C) includes representatives of business in the State and representatives of labor organizations in the State.</p> <p>(2) REFERENCES.—A reference in this Act, or a core program provision that is not in this Act, to a State board shall be considered to include such an entity.</p> <p>(f) Conflict of Interest.—A member of a State board may not—</p> <p>(1) vote on a matter under consideration by the State board—</p> <p>(A) regarding the provision of services by such member (or by an entity that such member represents); or</p> <p>(B) that would provide direct financial benefit to such member or the immediate family of such member; or</p> <p>(2) engage in any other activity determined by the Governor to constitute a conflict of interest as specified in the State plan.</p> <p>(g) Sunshine Provision.—The State board shall make available to the public, on a regular basis through electronic means and open meetings, information regarding the activities of the State board, including information regarding the State plan, or a modification to the State plan, prior to submission of the plan or modification of the plan, respectively, information regarding membership, and, on request, minutes of formal meetings of the State board.</p>

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	<p>(h) Authority To Hire Staff.—</p> <p>(1) IN GENERAL.—The State board may hire a director and other staff to assist in carrying out the functions described in subsection (d) using funds available as described in section 129(b)(3) or 134(a)(3)(B)(i).</p> <p>(2) QUALIFICATIONS.—The State board shall establish and apply a set of objective qualifications for the position of director, that ensures that the individual selected has the requisite knowledge, skills, and abilities, to meet identified benchmarks and to assist in effectively carrying out the functions of the State board.</p> <p>(3) LIMITATION ON RATE.—The director and staff described in paragraph (1) shall be subject to the limitations on the payment of salary and bonuses described in section 194(15).</p>
<p><b>DUE TO THE VARIABILITY BETWEEN THE STATE PLAN SECTIONS OF WIA AND WIOA, THIS COLUMN'S SECTION DOES NOT APPEAR IN ORDER AND INSTEAD CORRESPONDS TO SIMILAR SECTIONS OF WIOA</b></p> <p>SEC. 112. STATE PLAN.</p> <p>(a) IN GENERAL.--For a State to be eligible to receive an allotment under section 127 or 132, or to receive financial assistance under the Wagner-Peyser Act (29 U.S.C. 49 et seq.), the Governor of the State shall submit to the Secretary for consideration by the Secretary, a single State plan (referred to in this title as the "State plan") <del>that outlines a 5-year strategy for the statewide workforce investment system of the State and that meets the requirements of section 111 and this section.</del></p> <p>(b) CONTENTS.--The State plan shall include--</p>	<p>SEC. 102. UNIFIED STATE PLAN.</p> <p>(a) Plan.—For a State to be eligible to receive allotments for the core programs, the Governor shall submit to the Secretary of Labor for the approval process described under subsection (c)(2), a unified State plan. The unified State plan shall outline a 4-year strategy for the core programs of the State and meet the requirements of this section.</p> <p>(b) Contents.—</p> <p>(1) STRATEGIC PLANNING ELEMENTS.—The unified State plan shall include</p>

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<p>(4) information describing—</p> <p>(A) the needs of the State with regard to current and projected employment opportunities, by occupation;</p> <p>(B) the job skills necessary to obtain such employment opportunities;</p> <p>(C) the skills and economic development needs of the State; and</p> <p>(D) the type and availability of workforce investment activities in the State;</p> <p>(10) information identifying how the State will use funds the State receives under this subtitle to leverage other Federal, State, local, and private resources, in order to maximize the effectiveness of such resources, and to expand the participation of business, employees, and individuals in the statewide workforce investment system;</p> <p>(14) with respect to the one-stop delivery systems described in section 134(c) (referred to individually in this title as a "one-stop delivery</p>	<p>strategic planning elements consisting of a strategic vision and goals for preparing an educated and skilled workforce, that include—</p> <p>(A) an analysis of the economic conditions in the State, including—</p> <p>(i) existing and emerging in-demand industry sectors and occupations; and</p> <p>(ii) the employment needs of employers, including a description of the knowledge, skills, and abilities, needed in those industries and occupations;</p> <p>(B) an analysis of the current workforce, employment and unemployment data, labor market trends, and the educational and skill levels of the workforce, including individuals with barriers to employment (including individuals with disabilities), in the State;</p> <p>(C) an analysis of the workforce development activities (including education and training) in the State, including an analysis of the strengths and weaknesses of such activities, and the capacity of State entities to provide such activities, in order to address the identified education and skill needs of the workforce and the employment needs of employers in the State;</p> <p>(D) a description of the State's strategic vision and goals for preparing an educated and skilled workforce (including preparing youth and individuals with barriers to employment) and for meeting the skilled workforce needs of employers, including goals relating to performance accountability measures based on primary indicators of performance described in section 116(b)(2)(A), in order to support economic growth and economic self-sufficiency, and of how the State will assess the overall effectiveness of the workforce</p>

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# WIA & WIOA Side-by-Side

September 2014

Workforce Investment Act of 1998	Workforce Innovation and Opportunity Act of 2014
<p>system"), a description of the strategy of the State for assisting local areas in development and implementation of fully operational one-stop delivery systems in the State;</p> <p>(17) with respect to the employment and training activities authorized in section 134--</p> <p>(A) a description of--</p> <p>(i) the employment and training activities that will be carried out with the funds received by the State through the allotment made under section 132;</p> <p>(ii) how the State will provide rapid response activities to dislocated workers from funds reserved under section 133(a)(2) for such purposes, including the designation of an identifiable State rapid response dislocated worker unit to carry out statewide rapid response activities;</p> <p>(iii) the procedures the local boards in the State will use to identify eligible providers of training services described in section 134(d)(4) (other than on-the-job training or customized training), as required under section 122; and</p> <p>(iv) how the State will serve the employment and training needs of dislocated workers (including displaced homemakers), low-income individuals (including recipients of public assistance), individuals training for nontraditional employment, and other individuals with multiple barriers to employment (including older individuals and individuals with disabilities); and</p> <p>(B) an assurance that veterans will be afforded the employment and training activities by the State, to the extent practicable; and</p>	<p>investment system in the State; and</p> <p>(E) taking into account analyses described in subparagraphs (A) through (C), a strategy for aligning the core programs, as well as other resources available to the State, to achieve the strategic vision and goals described in subparagraph (D).</p> <p>(2) OPERATIONAL PLANNING ELEMENTS.—</p> <p>(A) IN GENERAL.—The unified State plan shall include the operational planning elements contained in this paragraph, which shall support the strategy described in paragraph (1)(E), including a description of how the State board will implement the functions under section 101(d).</p>

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<p>(8)(A) a description of the procedures that will be taken by the State to assure coordination of and avoid duplication among—</p> <ul style="list-style-type: none"><li>(i) workforce investment activities authorized under this title;</li><li>(ii) other activities authorized under this title;</li><li>(iii) programs authorized under the Wagner-Peyser Act (29 U.S.C. 49 et seq.), title II of this Act, title I of the Rehabilitation Act of 1973 (29 U.S.C. 720 et seq.), part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.), and section 6(d)(4) of the Food Stamp Act of 1977 (7 U.S.C. 2015(d)(4)), activities authorized under title V of the Older Americans Act of 1965 (42 U.S.C. 3056 et seq.), and postsecondary vocational education activities authorized under the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2301 et seq.);</li><li>(iv) work programs authorized under section 6(o) of the Food Stamp Act of 1977 (7 U.S.C. 2015(o));</li><li>(v) activities authorized under chapter 2 of title II of the Trade Act of 1974 (19 U.S.C. 2271 et seq.);</li><li>(vi) activities authorized under chapter 41 of title 38, United States Code;</li><li>(vii) employment and training activities carried out under the Community Services Block Grant Act (42 U.S.C. 9901 et seq.);</li><li>(viii) activities authorized under the National and Community Service Act of 1990 (42 U.S.C. 12501 et seq.);</li><li>(ix) employment and training activities carried out by the Department of Housing and Urban Development; and (x) programs authorized under State unemployment compensation laws (in accordance with applicable Federal law); and</li></ul> <p>(B) a description of the common data collection and</p>	<p>(B) IMPLEMENTATION OF STATE STRATEGY.—The unified State plan shall describe how the lead State agency with responsibility for the administration of a core program will implement the strategy described in paragraph (1)(E), including a description of—</p> <ul style="list-style-type: none"><li>(i) the activities that will be funded by the entities carrying out the respective core programs to implement the strategy and how such activities will be aligned across the programs and among the entities administering the programs, including using co-enrollment and other strategies;</li><li>(ii) how the activities described in clause (i) will be aligned with activities provided under employment, training, education, including career and technical education, and human services programs not covered by the plan, as appropriate, assuring coordination of, and avoiding duplication among, the activities referred to in this clause;</li><li>(iii) how the entities carrying out the respective core programs will coordinate activities and provide comprehensive, high-quality services including supportive services, to individuals;</li></ul>

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<p>reporting processes used for the programs and activities described in subparagraph (A);</p> <p>(1) a description of the State board, including a description of the manner in which such board collaborated in the development of the State plan and a description of how the board will continue to collaborate in carrying out the functions described in section 111(d);</p> <p>(3) a description of the State performance accountability system developed for the workforce investment activities to be carried out through the statewide workforce investment system, that includes information identifying State</p>	<p>(iv) how the State's strategy will engage the State's community colleges and area career and technical education schools as partners in the workforce development system and enable the State to leverage other Federal, State, and local investments that have enhanced access to workforce development programs at those institutions;</p> <p>(v) how the activities described in clause (i) will be coordinated with economic development strategies and activities in the State; and</p> <p>(vi) how the State's strategy will improve access to activities leading to a recognized postsecondary credential (including a credential that is an industry-recognized certificate or certification, portable, and stackable).</p> <p>(C) STATE OPERATING SYSTEMS AND POLICIES.—The unified State plan shall describe the State operating systems and policies that will support the implementation of the strategy described in paragraph (1)(E), including a description of—</p> <p>(i) the State board, including the activities to assist members of the State board and the staff of such board in carrying out the functions of the State board effectively (but funds for such activities may not be used for long-distance travel expenses for training or development activities available locally or regionally);</p> <p>(ii)(I) how the respective core programs will be assessed each year, including an assessment of the quality, effectiveness, and improvement of programs (analyzed by local area, or by provider), based on State performance</p>

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September 2014

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<p>performance measures as described in section 136(b)(3)(A)(ii);</p> <p>(12)(A) a description of the methods and factors the State will use in distributing funds to local areas for youth activities and adult employment and training activities under sections 128(b)(3)(B) and 133(b)(3)(B), including--</p> <p><del>(i) a description of how the individuals and entities represented on the State board were involved in determining such methods and factors of distribution; and</del></p> <p><del>(ii) a description of how the State consulted with chief elected officials in local areas throughout the the State in determining such distribution;</del></p> <p><del>(B) assurances that the funds will be distributed equitably throughout the State, and that no local areas will suffer significant shifts in funding from year to year; and</del></p> <p><del>(C) a description of the formula prescribed by the Governor pursuant to section 133(b)(2)(B) for the allocation of funds to local areas for dislocated worker employment and training activities;</del></p>	<p>accountability measures described in section 116(b); and</p> <p>(II) how other one-stop partner programs will be assessed each year;</p> <p>(iii) the results of an assessment of the effectiveness of the core programs and other one-stop partner programs during the preceding 2-year period;</p> <p>(iv) the methods and factors the State will use in distributing funds under the core programs, in accordance with the provisions authorizing such distributions;</p> <p>(v)(I) how the lead State agencies with responsibility for the administration of the core programs will align and integrate available workforce and education data on core programs, unemployment insurance programs, and education through postsecondary education;</p> <p>(II) how such agencies will use the workforce development system to assess the progress of participants that are exiting from core programs in entering,</p>

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<p>(B) an assurance that veterans will be afforded <del>the employment and training activities by the State, to the extent practicable; and</del></p> <p>(2) a description of State-imposed requirements for the</p>	<p>persisting in, and completing postsecondary education, or entering or remaining in employment; and</p> <p>(III) the privacy safeguards incorporated in such system, including safeguards required by section 444 of the General Education Provisions Act (20 U.S.C. 1232g) and other applicable Federal laws;</p> <p>(vi) how the State will implement the priority of service provisions for veterans in accordance with the requirements of section 4215 of title 38, United States Code;</p> <p>(vii) how the one-stop delivery system, including one-stop operators and the one-stop partners, will comply with section 188, if applicable, and applicable provisions of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.), regarding the physical and programmatic accessibility of facilities, programs, services, technology, and materials, for individuals with disabilities, including complying through providing staff training and support for addressing the needs of individuals with disabilities; and</p> <p>(viii) such other operational planning elements as the Secretary of Labor or the Secretary of Education, as appropriate, determines to be necessary for effective State operating systems and policies.</p> <p>(D) PROGRAM-SPECIFIC REQUIREMENTS.—The unified State plan shall include—</p> <p>(i) with respect to activities carried out under subtitle B, a description of—</p> <p>(I) State policies or guidance, for the statewide workforce development system</p>

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<p>statewide workforce investment system;</p> <p>(5) an identification of local areas designated in the State, including a description of the process used for the designation of such areas;</p> <p>(15) a description of the appeals process referred to in section 116(a)(5);</p> <p>(18) with respect to youth activities authorized in section 129, information—</p> <p>(A) describing the State strategy for providing comprehensive services to eligible youth, particularly those eligible youth who are recognized as having significant barriers to employment;</p> <p>(B) identifying the criteria to be used by local boards in awarding grants for youth activities, including criteria that the Governor and local boards will use to identify effective and ineffective youth activities and providers of such activities;</p> <p>(C) describing how the State will coordinate the youth activities carried out in the State under section 129 with the services provided by Job Corps centers in the State (where such centers exist); and</p> <p>(D) describing how the State will coordinate youth activities described in subparagraph (C) with activities carried out through the youth opportunity grants under section 169.</p>	<p>and for use of State funds for workforce investment activities;</p> <p>(II) the local areas designated in the State, including the process used for designating local areas, and the process used for identifying any planning regions under section 106(a), including a description of how the State consulted with the local boards and chief elected officials in determining the planning regions;</p> <p>(III) the appeals process referred to in section 106(b)(5), relating to designation of local areas;</p> <p>(IV) the appeals process referred to in section 121(h)(2)(E), relating to determinations for infrastructure funding; and</p> <p>(V) with respect to youth workforce investment activities authorized in section 129, information identifying the criteria to be used by local boards in awarding grants for youth workforce investment activities and describing how the local boards will take into consideration the ability of the providers to meet performance accountability measures based on primary indicators of performance for the youth program as described in section 116(b)(2)(A)(ii) in awarding such grants;</p> <p>(ii) with respect to activities carried out under title II, a description of—</p>

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<p>(7) the detailed plans required under section 8 of the Wagner-Peyser Act (29 U.S.C. 49g);</p>	<p>(I) how the eligible agency will, if applicable, align content standards for adult education with State-adopted challenging academic content standards, as adopted under section 1111(b)(1) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(1));</p> <p>(II) how the State will fund local activities using considerations specified in section 231(e) for—</p> <p>(aa) activities under section 231(b);</p> <p>(bb) programs for corrections education under section 225;</p> <p>(cc) programs for integrated English literacy and civics education under section 243; and</p> <p>(dd) integrated education and training;</p> <p>(III) how the State will use the funds to carry out activities under section 223;</p> <p>(IV) how the State will use the funds to carry out activities under section 243;</p> <p>(V) how the eligible agency will assess the quality of providers of adult education and literacy activities under title II and take actions to improve such quality, including providing the activities described in section 223(a)(1)(B);</p> <p>(iii) with respect to programs carried out under title I of the Rehabilitation Act of 1973 (29 U.S.C. 720 et seq.), other than section 112 or part C of that title (29 U.S.C. 732, 741), the information described in section 101(a) of that Act (29 U.S.C. 721(a)); and</p> <p>(iv) information on such additional specific requirements for a program referenced in any of clauses (i) through (iii) or the Wagner-Peyser Act (29 U.S.C. 49 et seq.) as the Secretary of Labor determines to be necessary to administer that program but cannot reasonably be applied across all such programs.</p>

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<p>(13) information specifying the actions that constitute a conflict of interest prohibited in the State for purposes of sections 111(f ) and 117(g);</p> <p>(9) a description of the process used by the State, consistent with section 111(g), to provide an opportunity for public comment, including comment by representatives of businesses and representatives of labor organizations, and input into development of the plan, prior to submission of the plan;</p> <p>(11) assurances that the State will provide, in accordance with section 184 for fiscal control and fund accounting procedures that may be necessary to ensure the proper disbursement of, and accounting for, funds paid to the State through the allotments made under sections 127 and 132;</p>	<p>(E) ASSURANCES.—The unified State plan shall include assurances—</p> <p>(i) that the State has established a policy identifying circumstances that may present a conflict of interest for a State board or local board member, or the entity or class of officials that the member represents, and procedures to resolve such conflicts;</p> <p>(ii) that the State has established a policy to provide to the public (including individuals with disabilities) access to meetings of State boards and local boards, and information regarding activities of State boards and local boards, such as data on board membership and minutes;</p> <p>(iii)(I) that the lead State agencies with responsibility for the administration of core programs reviewed and commented on the appropriate operational planning elements of the unified State plan, and approved the elements as serving the needs of the populations served by such programs; and</p> <p>(II) that the State obtained input into the development of the unified State plan and provided an opportunity for comment on the plan by representatives of local boards and chief elected officials, businesses, labor organizations, institutions of higher education, other primary stakeholders, and the general public and that the unified State plan is available and accessible to the general public;</p> <p>(iv) that the State has established, in accordance with section 116(i), fiscal control and fund accounting procedures that may be necessary to ensure the proper disbursement of, and accounting for, funds paid to the State through allotments made for adult, dislocated worker, and youth programs to carry out workforce investment activities under chapters</p>

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	<p>2 and 3 of subtitle B;</p> <p>(v) that the State has taken appropriate action to secure compliance with uniform administrative requirements in this Act, including that the State will annually monitor local areas to ensure compliance and otherwise take appropriate action to secure compliance with the uniform administrative requirements under section 184(a)(3);</p> <p>(vi) that the State has taken the appropriate action to be in compliance with section 188, if applicable;</p> <p>(vii) that the Federal funds received to carry out a core program will not be expended for any purpose other than for activities authorized with respect to such funds under that core program;</p> <p>(viii) that the eligible agency under title II will— (I) expend the funds appropriated to carry out that title only in a manner consistent with fiscal requirements under section 241(a) (regarding supplement and not supplant provisions); and (II) ensure that there is at least 1 eligible provider serving each local area;</p> <p>(ix) that the State will pay an appropriate share (as defined by the State board) of the costs of carrying out section 116, from funds made available through each of the core programs; and</p> <p>(x) regarding such other matters as the Secretary of Labor or the Secretary of Education, as appropriate, determines to be necessary for the administration of the core programs.</p>

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(c) PLAN SUBMISSION AND APPROVAL.	<p>(3) EXISTING ANALYSIS.—As appropriate, a State may use an existing analysis in order to carry out the requirements of paragraph (1) concerning an analysis.</p> <p>(c) Plan Submission and Approval.—</p> <p>(1) SUBMISSION.—</p> <p>(A) INITIAL PLAN.—The initial unified State plan under this section (after the date of enactment of the Workforce Innovation and Opportunity Act) shall be submitted to the Secretary of Labor not later than 120 days prior to the commencement of the second full program year after the date of enactment of this Act.</p> <p>(B) SUBSEQUENT PLANS.—Except as provided in subparagraph (A), a unified State plan shall be submitted to the Secretary of Labor not later than 120 days prior to the end of the 4-year period covered by the preceding unified State plan.</p> <p>(2) SUBMISSION AND APPROVAL.—</p> <p>(A) SUBMISSION.—In approving a unified State plan under this section, the Secretary shall submit the portion of the unified State plan covering a program or activity to the head of the Federal agency that administers the program or activity for the approval of such portion by such head.</p> <p>(B) APPROVAL.—A unified State plan shall be subject to the approval of both the Secretary of Labor and the Secretary of Education, after approval of the Commissioner of the Rehabilitation Services Administration for the portion of the plan described in subsection (b)(2)(D)(iii). The plan shall be considered to be approved at the end of the 90-day period beginning on the day the plan is submitted, unless the Secretary of Labor or the Secretary of</p>
--A State plan submitted to the Secretary under this section by a Governor shall be considered to be approved by the Secretary at the end of the 90-day period beginning on the day the Secretary receives the plan, unless	

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<p>the Secretary makes a written determination, during the 90-day period, that—</p> <p>(1) the plan is inconsistent with the provisions of this title; and</p> <p>(2) in the case of the portion of the plan described in section 8(a) of the Wagner-Peyser Act (29 U.S.C. 49g(a)), the portion does not satisfy the criteria for approval provided in section 8(d) of such Act.</p> <p>(d) MODIFICATIONS TO PLAN.--A State may submit modifications to a State plan in accordance with the requirements of this section and section 111 as necessary during the 5-year period covered by the plan.</p> <p><del>(b) Contents</del></p> <p><del>(6) an identification of criteria to be used by chief elected officials for the appointment of members of local boards based on the requirements of section 117;</del></p> <p><del>(16) a description of the competitive process to be used by the State to award grants and contracts in the State for activities carried out under this title;</del></p>	<p>Education makes a written determination, during the 90-day period, that the plan is inconsistent with the provisions of this section or the provisions authorizing the core programs, as appropriate.</p> <p>(3) MODIFICATIONS.—</p> <p>(A) MODIFICATIONS.—At the end of the first 2-year period of any 4-year unified State plan, the State board shall review the unified State plan, and the Governor shall submit modifications to the plan to reflect changes in labor market and economic conditions or in other factors affecting the implementation of the unified State plan.</p> <p>(B) APPROVAL.—A modified unified State plan submitted for the review required under subparagraph (A) shall be subject to the approval requirements described in paragraph (2). A Governor may submit a modified unified State plan at such other times as the Governor determines to be appropriate, and such modified unified State plan shall also be subject to the approval requirements described in paragraph (2).</p> <p>(4) EARLY IMPLEMENTERS.—The Secretary of Labor, in conjunction with the Secretary of Education, shall establish a process for approving and may approve unified State plans that meet the requirements of this section and are submitted to cover periods commencing prior to the second full program year described in paragraph (1)(A).</p>

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<p><del>SEC. 501. STATE UNIFIED PLAN.</del></p> <p>(a) DEFINITION OF APPROPRIATE SECRETARY. <b>CORRESPONDS TO ANOTHER PART IN THIS SECTION</b></p> <p><del>(b) STATE UNIFIED PLAN.—</del></p> <p>(1) IN GENERAL.--A State may develop and submit to the appropriate Secretaries <del>a State unified plan for 2 or more of the activities or programs set forth in paragraph (2), except that the State may include in the plan the activities described in paragraph (2)(A) only with the prior approval of the legislature of the State. The State unified plan shall cover one or more of the activities set forth in subparagraphs (A) through (D) of paragraph (2) and may cover one or more of the activities set forth in subparagraphs (E) through (O) of paragraph (2).</del></p> <p>(2) ACTIVITIES.--The activities and programs referred to in paragraph (1) are as follows:</p> <p>(A) Secondary vocational education programs authorized under the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2301 et seq.).</p> <p>(B) Postsecondary vocational education programs authorized under the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2301 et seq.).</p> <p>(L) Programs authorized under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq)</p> <p><del>(C) Activities authorized under title I.</del></p> <p><del>(D) Activities authorized under title II.</del></p> <p>(E) Programs authorized under section 6(d) of the Food Stamp Act of 1977 (7 U.S.C. 2015(d)).</p>	<p><b>SEC. 103. COMBINED STATE PLAN.</b></p> <p>(a) In General.—</p> <p><b>(1) AUTHORITY TO SUBMIT PLAN.—</b>A State may develop and submit to the appropriate Secretaries a combined State plan for the core programs and 1 or more of the programs and activities described in paragraph (2) in lieu of submitting 2 or more plans, for the programs and activities and the core programs.</p> <p><b>(2) PROGRAMS.—</b>The programs and activities referred to in paragraph (1) are as follows:</p> <p>(A) Career and technical education programs authorized under the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2301 et seq.).</p> <p>(B) Programs authorized under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.).</p> <p>(C) Programs authorized under section 6(d)(4) of the Food and Nutrition Act of 2008 (7 U.S.C. 2015(d)(4)).</p>

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<p>(F) Work programs authorized under section 6(o) of the Food Stamp Act of 1977 (7 U.S.C. 2015(o)).</p> <p>(G) Activities authorized under chapter 2 of title II of the Trade Act of 1974 (19 U.S.C. 2271 et seq.).</p> <p><del>(H) Programs authorized under the Wagner-Peyser Act (29 U.S.C. 49 et seq.).</del></p> <p><del>(I) Programs authorized under title I of the Rehabilitation Act of 1973 (29 U.S.C. 720 et seq.), other than section 112 of such Act (29 U.S.C. 732).</del></p> <p>(J) Activities authorized under chapter 41 of title 38, United States Code.</p> <p>(K) Programs authorized under State unemployment compensation laws (in accordance with applicable Federal law).</p> <p><b>(L) CORRESPONDS TO ANOTHER PART IN THIS SECTION</b></p> <p>(M) Programs authorized under title V of the Older Americans Act of 1965 (42 U.S.C. 3056 et seq.).</p> <p>(N) Training activities carried out by the Department of Housing and Urban Development.</p> <p>(O) Programs authorized under the Community Services Block Grant Act (42 U.S.C. 9901 et seq.).</p> <p><b>(c) REQUIREMENTS.—</b></p> <p><b>(1) IN GENERAL.—</b><del>The portion of a State unified plan covering an activity or program described in subsection (b) shall be subject to the requirements, if any, applicable to a plan or application for assistance under the Federal statute authorizing the activity or program.</del></p>	<p>(D) Work programs authorized under section 6(o) of the Food and Nutrition Act of 2008 (7 U.S.C. 2015(o)).</p> <p>(E) Activities authorized under chapter 2 of title II of the Trade Act of 1974 (19 U.S.C. 2271 et seq.).</p> <p>(F) Activities authorized under chapter 41 of title 38, United States Code.</p> <p>(G) Programs authorized under State unemployment compensation laws (in accordance with applicable Federal law).</p> <p>(H) Programs authorized under title V of the Older Americans Act of 1965 (42 U.S.C. 3056 et seq.).</p> <p>(I) <b>Employment and</b> training activities carried out by the Department of Housing and Urban Development.</p> <p>(J) Employment and training activities carried out under the Community Services Block Grant Act (42 U.S.C. 9901 et seq.).</p> <p><b>(K) Programs authorized under section 212 of the Second Chance Act of 2007 (42 U.S.C. 17532).</b></p> <p><b>(b) Requirements.—</b></p> <p><b>(1) IN GENERAL.—</b>The portion of a combined plan covering the core programs shall be subject to the requirements of section 102 (including section 102(c)(3)). The portion of such plan covering a program or activity described in subsection (a)(2) shall be subject to the requirements, if any, applicable to a plan or application for assistance for that program or activity, under the</p>

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# WIA & WIOA Side-by-Side

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<p>(2) ADDITIONAL SUBMISSION NOT REQUIRED.--A State that submits <del>a State unified plan</del> covering an activity or program described in subsection (b) that is approved under subsection (d) shall not be required to submit any other plan or application in order to receive <del>Federal funds to carry out the activity or program</del>.</p> <p>(3) COORDINATION.--A State unified plan shall include—</p> <p>(A) a description of the methods used for joint planning and coordination of the <del>programs and activities included in the unified plan</del>; and</p> <p>(B) an assurance that the methods included an opportunity for the entities responsible for planning or administering <del>such programs and activities</del> to review and comment on all portions of the <del>unified plan</del>.</p> <p>(d) APPROVAL BY THE APPROPRIATE SECRETARIES.--</p> <p>(1) JURISDICTION.--The appropriate Secretary shall have the authority to approve the portion of the State unified plan relating to the activity or program over which the appropriate Secretary exercises administrative authority. On the approval of the appropriate Secretary, the portion of the plan relating to the activity or program shall be implemented by the State pursuant to the applicable portion of the State unified plan.</p>	<p>Federal law authorizing the program or activity. At the election of the State, section 102(c)(3) may apply to that portion.</p> <p>(2) ADDITIONAL SUBMISSION NOT REQUIRED.—A State that submits <del>a</del> <b>combined plan</b> that is approved under subsection (c) shall not be required to submit any other plan or application in order to receive <b>Federal funds to carry out the core programs or the program or activities described in subsection (a)(2) that are covered by the combined plan.</b></p> <p>(3) COORDINATION.—A combined plan shall include—</p> <p>(A) a description of the methods used for joint planning and coordination of the <b>core programs and the other programs and activities covered by the combined plan</b>; and</p> <p>(B) an assurance that the methods included an opportunity for the entities responsible for planning or administering the <b>core programs and the other programs and activities</b> to review and comment on all portions of the <b>combined plan</b>.</p> <p>(c) Approval by the Appropriate Secretaries.—</p> <p>(1) JURISDICTION.—The appropriate Secretary shall have the authority to approve the corresponding portion of a combined plan as described in subsection (d). On the approval of the appropriate Secretary, that portion of the combined plan, covering a program or activity, shall be implemented by the State pursuant to that portion of the combined plan, and the Federal law authorizing the program or activity.</p> <p><b>(2) APPROVAL OF CORE PROGRAMS.—No portion of the plan relating to a core program shall be implemented until the appropriate Secretary approves the corresponding portions of the plan for all core programs.</b></p>

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<p>(2) APPROVAL.—</p> <p>(A) IN GENERAL.—A portion of the <del>State unified plan</del> covering an activity or program described in subsection (b) that is submitted to the appropriate Secretary under this section shall be considered to be approved by the appropriate Secretary at the end of the 90-day period beginning on the day the appropriate Secretary receives the portion, unless the appropriate Secretary makes a written determination, during the 90-day period, that the portion is not consistent with the requirements of the Federal statute authorizing the activity or program including the criteria for approval of a plan or application, if any, under such statute or the plan is not consistent with the requirements of subsection (c)(3).</p> <p>(B) SPECIAL RULE.—In subparagraph (A), the term "criteria for approval of a State plan", relating to activities carried out under title I or II or under the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2301 et seq.), includes a requirement for agreement between the State and the appropriate Secretary regarding State performance measures, including levels of performance.</p>	<p>(3) TIMING OF APPROVAL.—</p> <p>(A) IN GENERAL.—Except as provided in subparagraphs (B) and (C), a portion of the combined State plan covering the core programs or a program or activity described in subsection (a)(2) shall be considered to be approved by the appropriate Secretary at the end of the 90-day period beginning on the day the plan is submitted.</p> <p>(B) PLAN APPROVED BY 3 OR MORE APPROPRIATE SECRETARIES.—If an appropriate Secretary other than the Secretary of Labor or the Secretary of Education has authority to approve a portion of a combined plan, that portion of the combined plan shall be considered to be approved by the appropriate Secretary at the end of the 120-day period beginning on the day the plan is submitted.</p> <p>(C) DISAPPROVAL.—The portion shall not be considered to be approved if the appropriate Secretary makes a written determination, during the 90-day period (or the 120-day period, for an appropriate Secretary covered by subparagraph (B)), that the portion is not consistent with the requirements of the Federal law authorizing or applicable to the program or activity involved, including the criteria for approval of a plan or application, if any, under such law, or the plan is not consistent with the requirements of this section.</p> <p>(4) SPECIAL RULE.—In paragraph (3), the term "criteria for approval of a plan or application", with respect to a State and a core program or a program under the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2301 et seq.), includes a requirement for agreement between the State and the appropriate Secretaries regarding State performance measures or State performance accountability measures, as the case may be, including</p>

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<p>(a) DEFINITION OF APPROPRIATE SECRETARY.--In this section, the term "appropriate Secretary" means the head of the Federal agency who exercises administrative authority over an activity or program described in subsection (b).</p>	<p>levels of performance.</p> <p>(d) Appropriate Secretary.—In this section, the term “appropriate Secretary” means—</p> <p>(1) with respect to the portion of a combined plan relating to any of the core programs (including a description, and an assurance concerning that program, specified in subsection (b)(3)), the Secretary of Labor and the Secretary of Education; and</p> <p>(2) with respect to the portion of a combined plan relating to a program or activity described in subsection (a)(2) (including a description, and an assurance concerning that program or activity, specified in subsection (b)(3)), the head of the Federal agency who exercises plan or application approval authority for the program or activity under the Federal law authorizing the program or activity, or, if there are no planning or application requirements for such program or activity, exercises administrative authority over the program or activity under that Federal law.</p>
<p>SEC. 116. LOCAL WORKFORCE INVESTMENT AREAS.</p>	<p>SEC. 106. WORKFORCE DEVELOPMENT AREAS.</p> <p>(a) Regions.—</p> <p>(1) IDENTIFICATION.—Before the second full program year after the date of enactment of this Act, in order for a State to receive an allotment under section 127(b) or 132(b) and as part of the process for developing the State plan, a State shall identify regions in the State after consultation with the local boards and chief elected officials in the local areas and consistent with the considerations described in subsection (b)(1)(B).</p> <p>(2) TYPES OF REGIONS.—For purposes of this Act, the State shall identify—</p> <p>(A) which regions are comprised of 1 local area that is aligned with the</p>

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<p>(4) INTERSTATE REGIONS.--Two or more States that contain an interstate region that is a labor market area, economic development region, or other appropriate contiguous subarea of the States may designate the area as a designated region for purposes of this subsection, and jointly exercise the State functions described in paragraphs (1) through (3).</p> <p>(a) DESIGNATION OF AREAS.--</p> <p>(1) IN GENERAL.--</p> <p>(A) PROCESS.--Except as provided in subsection (b), and consistent with paragraphs (2), (3), and (4), in order for a State to receive an allotment under section 127 or 132, the Governor of the State shall designate local workforce investment areas within the State—</p> <p>(i) through consultation with the State board; and</p> <p>(ii) after consultation with chief elected officials and after consideration of comments recieved through the public comment process as described in section 112(b)(9).</p> <p>(B) CONSIDERATIONS.--In making the designation of local areas, the Governor shall take into consideration the following:</p> <p>(i) Geographic areas served by local educational agencies and intermediate educational agencies.</p> <p>(ii) Geographic areas served by postsecondary educational institutions and area vocational education schools.</p> <p>(iii) The extent to which such local areas are consistent with labor market areas.</p>	<p>region;</p> <p>(B) which regions are comprised of 2 or more local areas that are (collectively) aligned with the region (referred to as planning regions, consistent with section 3); and</p> <p>(C) which, of the regions described in subparagraph (B), are interstate areas contained within 2 or more States, and consist of labor market areas, economic development areas, or other appropriate contiguous subareas of those States.</p> <p>(b) Local Areas.—</p> <p>(1) IN GENERAL.—</p> <p>(A) PROCESS.—Except as provided in subsection (d), and consistent with paragraphs (2) and(3), in order for a State to receive an allotment under section 127(b) or 132(b), the Governor of the State shall designate local workforce development areas within the State—</p> <p>(i) through consultation with the State board; and</p> <p>(ii) after consultation with chief elected officials and local boards, and after consideration of comments received through the public comment process as described in section 102(b)(2)(E)(iii)(II).</p> <p>(B) CONSIDERATIONS.—The Governor shall designate local areas (except for those local areas described in paragraphs (2) and (3)) based on considerations consisting of the extent to which the areas—</p> <p>(i) are consistent with labor market areas in the State;</p> <p>(ii) are consistent with regional economic development areas in the State; and</p> <p>(iii) have available the Federal and non-Federal resources necessary to effectively administer activities under subtitle B and other applicable provisions of this Act, including whether the areas have the appropriate</p>

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<p><del>(iv) The distance that individuals will need to travel to receive services provided in such local areas.</del></p> <p><del>(v) The resources of such local areas that are available to effectively administer the activities carried out under this subtitle.</del></p> <p><del>(2) AUTOMATIC DESIGNATION.--The Governor shall approve any request for designation as a local area—</del></p> <p><del>(A) from any unit of general local government with a population of 500,000 or more;</del></p> <p><del>(B) of the area served by a rural concentrated employment program grant recipient of demonstrated effectiveness that served as a service delivery area or substate area under the Job Training Partnership Act, if the grant recipient has submitted the request; and</del></p> <p><del>(C) of an area that served as a service delivery area under section 101(a)(4)(A)(ii) of the Job Training Partnership Act (as in effect on the day before the date of enactment of this Act) in a State that has a population of not more than 1,100,000 and a population density greater than 900 persons per square mile.</del></p> <p><del>(3) TEMPORARY AND SUBSEQUENT DESIGNATION.-- (A) CRITERIA.--</del> Notwithstanding paragraph (2)(A), the Governor shall approve any request, made not later than the date of submission of the initial State plan under this subtitle, for temporary designation as a local area from any unit of general local government (including a combination of such units) with a population of 200,000 or more that was a service delivery area under the Job Training Partnership Act on the day before the date of enactment of this Act if the Governor determines that the area—</p> <p><del>(i) performed successfully, in each of the last 2 years prior to the request for which data are available, in the delivery of services to participants</del></p>	<p>education and training providers, such as institutions of higher education and area career and technical education schools.</p> <p><b>(2) INITIAL DESIGNATION.—</b></p> <p>During the first 2 full program years following the date of enactment of this Act, the Governor shall approve a request for initial designation as a local area from any area that was designated as a local area for purposes of the Workforce Investment Act of 1998 for the 2-year period preceding the date of enactment of this Act, performed successfully, and sustained fiscal integrity.</p>

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<p>under part A of title II and title III of the Job Training Partnership Act (as in effect on such day); and</p> <p>(ii) has sustained the fiscal integrity of the funds used by the area to carry out activities under such part and title.</p> <p>(B) DURATION AND SUBSEQUENT DESIGNATION.--A temporary designation under this paragraph shall be for a period of not more than 2 years, after which the designation shall be extended until the end of the period covered by the State plan if the Governor determines that, during the temporary designation period, the area substantially met (as defined by the State board) the local performance measures for the local area and sustained the fiscal integrity of the funds used by the area to carry out activities under this subtitle.</p> <p><del>(C) TECHNICAL ASSISTANCE.--The Secretary shall provide the States with technical assistance in making the determinations required by this paragraph. The Secretary shall not issue regulations governing determinations to be made under this paragraph.</del></p> <p>(D) PERFORMED SUCCESSFULLY (CORRESPONDS TO ANOTHER PART IN THIS SECTION)</p> <p>(E) SUSTAINED THE FISCAL INTEGRITY(CORRESPONDS TO ANOTHER PART IN THIS SECTION)</p> <p>(4) DESIGNATION ON RECOMMENDATION OF STATE BOARD.--The Governor may approve a request from any unit of general local government (including a combination of such units) for designation <del>(including temporary designation)</del> as a local area if the State board determines, taking into account the factors described in clauses (i) through (v) of paragraph (1)(B), and recommends to the</p>	<p>(3) SUBSEQUENT DESIGNATION.—After the period for which a local area is initially designated under paragraph (2), the Governor shall approve a request for subsequent designation as a local area from such local area, if such area—</p> <p>(A) performed successfully;</p> <p>(B) sustained fiscal integrity; and</p> <p>(C) in the case of a local area in a planning region, met the requirements described in subsection (c)(1).</p> <p>(4) DESIGNATION ON RECOMMENDATION OF STATE BOARD.—The Governor may approve a request from any unit of general local government (including a combination of such units) for designation of an area as a local area if the State board determines, based on the considerations described in paragraph (1)(B), and recommends to the Governor, that such area should be so designated.</p>

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<p>Governor, that such area should be so designated.</p> <p>(5) APPEALS.--A unit of general local government (including a combination of such units) or grant recipient that requests but is not granted designation of an area as a local area under paragraph (2) or (3) may submit an appeal to the State board under an appeal process established in the State plan. If the appeal does not result in such a designation, the Secretary, after receiving a request for review from the unit or grant recipient and on determining that the unit or grant recipient was not accorded procedural rights under the appeal process established in the State plan or that the area meets the requirements of paragraph (2) or (3), as appropriate, may require that the area be designated as a local area under such paragraph.</p> <p>(b) <b>CORRESPONDS TO ANOTHER SECTION IN WIOA</b></p> <p>(c) <b>REGIONAL PLANNING AND COOPERATION.—</b> (1) <b>PLANNING.--As part of the process for developing the State plan, a State may require regional planning by local boards for a designated region in the State. The State <del>may</del> require the local boards for a designated region to participate in a regional planning process that results in the establishment of regional performance measures for workforce investment activities authorized under this subtitle. The State may award regional incentive grants to the designated regions that meet or exceed the regional performance measures.</b></p>	<p>(5) APPEALS.—A unit of general local government (including a combination of such units) or grant recipient that requests but is not granted designation of an area as a local area under paragraph (2) or (3) may submit an appeal to the State board under an appeal process established in the State plan. If the appeal does not result in such a designation, the Secretary <b>of Labor</b>, after receiving a request for review from the unit or grant recipient and on determining that the unit or grant recipient was not accorded procedural rights under the appeals process described in the State plan, as specified in section 102(b)(2)(D)(i)(III), or that the area meets the requirements of paragraph (2) or (3), may require that the area be designated as a local area under such paragraph.</p> <p><b>(6) REDESIGNATION ASSISTANCE.—On the request of all of the local areas in a planning region, the State shall provide funding from funds made available under sections 128(a) and 133(a)(1) to assist the local areas in carrying out activities to facilitate the redesignation of the local areas to a single local area.</b></p> <p>(c) Regional Coordination.— (1) <b>REGIONAL PLANNING.—The local boards and chief elected officials in each planning region described in subparagraph (B) or (C) of subsection (a)(2) shall engage in a regional planning process that results in—</b>  <b>(A) the preparation of a regional plan, as described in paragraph (2);</b>  <b>(B) the establishment of regional service strategies, including use of cooperative service delivery agreements;</b></p>

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<p>(2) INFORMATION SHARING.--The State <del>may</del> require the local boards for a designated region to share, in feasible cases, employment statistics, information about employment opportunities and trends, and other types of information that would assist in improving the performance of all local areas in the designated region on local performance measures.</p> <p>(3) COORDINATION OF SERVICES.--The State <del>may</del> require the local boards for a designated region to coordinate the provision of workforce investment activities authorized under this subtitle, including the provision of transportation and other supportive services, so that services provided through the activities may be provided across the boundaries of local areas within the designated region.</p> <p>(4) CORRESPONDS TO ANOTHER SECTION IN WIOA</p> <p>(5) DEFINITIONS. In this subsection:-  (A) DESIGNATED REGION. The term "designated region" means <del>a combination of local areas that are partly or completely in a single labor market area, economic development region, or other appropriate contiguous subarea of a State, that is designated by the State, except as provided in paragraph (4).</del>  (B) LOCAL BOARD FOR A DESIGNATED REGION. The term "local board for a designated region" means <del>a local board for a local area in a designated region.</del></p>	<p>(C) the development and implementation of sector initiatives for in-demand industry sectors or occupations for the region;</p> <p>(D) the collection and analysis of regional labor market data (in conjunction with the State);</p> <p>(E) the establishment of administrative cost arrangements, including the pooling of funds for administrative costs, as appropriate, for the region;</p> <p>(F) the coordination of transportation and other supportive services, as appropriate, for the region;</p> <p>(G) the coordination of services with regional economic development services and providers; and</p> <p>(H) the establishment of an agreement concerning how the planning region will collectively negotiate and reach agreement with Governor on local levels of performance for, and report on, the performance accountability measures described in section 116(c), for local areas or the planning region.</p> <p>(2) REGIONAL PLANS.—The State, after consultation with local boards and chief elected officials for the planning regions, shall require the local boards and chief elected officials within a planning region to prepare, submit, and obtain approval of a single regional plan that includes a description of the activities described in paragraph (1) and that incorporates local plans for each of the local areas in the planning region. The State shall provide technical assistance and labor market data, as requested by local areas, to assist with such regional planning and subsequent service</p>

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<p>(b) SMALL STATES.--The Governor of any State that was a single State service delivery area under the Job Training Partnership Act as of July 1, 1998, may designate the State as a single State local area for the purposes of this title. In the case of such a designation, the Governor shall identify the State as a local area under section 112(b)(5).</p>	<p>delivery efforts.</p> <p>(3) REFERENCES.—In this Act, and the core program provisions that are not in this Act:</p> <p>(A) LOCAL AREA.—Except as provided in section 101(d)(9), this section, paragraph (1)(B) or (4) of section 107(c), or section 107(d)(12)(B), or in any text that provides an accompanying provision specifically for a planning region, the term “local area” in a provision includes a reference to a planning region for purposes of implementation of that provision by the corresponding local areas in the region.</p> <p>(B) LOCAL PLAN.—Except as provided in this subsection, the term “local plan” includes a reference to the portion of a regional plan developed with respect to the corresponding local area within the region, and any region wide provision of that plan that impacts or relates to the local area.</p> <p>(d) Single State Local Areas.—</p> <p>(1) CONTINUATION OF PREVIOUS DESIGNATION.—The Governor of any State that was a single State local area for purposes of title I of the Workforce Investment Act of 1998, as in effect on July 1, 2013, may designate the State as a single State local area for purposes of this title. In the case of such designation, the Governor shall identify the State as a local area in the State plan.</p> <p>(2) EFFECT ON LOCAL PLAN AND LOCAL FUNCTIONS.—In any case in which a State is designated as a local area pursuant to this subsection, the local plan prepared under section 108 for the area shall be submitted for approval as part of the State plan. In such a State, the State board shall carry out the functions of a local board, as specified in this Act or the provisions authorizing a core program, but the State shall not be required to meet and</p>

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<p>(D) PERFORMED SUCCESSFULLY.--In this paragraph, the term "performed successfully" means that the area involved met or exceeded the performance standards for activities administered in the area that—</p> <p>(i) are established by the Secretary for each year and modified by the adjustment methodology of the State (used to account for differences in economic conditions, participant characteristics, and combination of services provided from the combination assumed for purposes of the established standards of the Secretary); and</p> <p>(ii)(I) if the area was designated as both a service delivery area and a substate area under the Job Training Partnership Act (as in effect on the day before the date of enactment of this Act)—</p> <p>(aa) relate to job retention and earnings, with respect to activities carried out under part A of title II of such Act (as in effect on such day); or</p> <p>(bb) relate to entry into employment, with respect to activities carried out under title III of such Act (as in effect on such day);</p> <p>(II) if the area was designated only as a service delivery area under such Act (as in effect on such day), relate to the standards described in subclause (I)(aa); or</p> <p>(III) if the area was only designated as a substate area under such Act (as in effect on such day), relate to the standards described in subclause (I)(bb).</p> <p>(E) SUSTAINED THE FISCAL INTEGRITY.--In this paragraph, the term "sustained the fiscal integrity", used with respect to funds used by a service delivery area or local area, means that the Secretary has not made a final determination during any of the last <del>3 years</del> for which data are available, prior to the date of the designation request involved, that either the grant recipient</p>	<p><b>report on a set of local performance accountability measures.</b></p> <p>(e) Definitions.—For purposes of this section:</p> <p>(1) PERFORMED SUCCESSFULLY.—The term “performed successfully”, used with respect to a local area, means the local area met or exceeded the adjusted levels of performance for primary indicators of performance described in section 116(b)(2)(A) (or, if applicable, core indicators of performance described in section 136(b)(2)(A) of the Workforce Investment Act of 1998, as in effect the day before the date of enactment of this Act) for each of the last 2 consecutive years for which data are available preceding the determination of performance under this paragraph.</p> <p>(2) SUSTAINED FISCAL INTEGRITY.—The term “sustained fiscal integrity”, used with respect to a local area, means that the Secretary has not made a formal determination, during either of the last <b>2 consecutive years</b> preceding the determination regarding such integrity, that either the grant recipient or the administrative entity of the area misexpended funds provided under subtitle B</p>

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or the administrative entity of the area misexpended the funds due to willful disregard of the requirements of the Act involved, gross negligence, or failure to observe accepted standards of administration.	(or, if applicable, title I of the Workforce Investment Act of 1998 as in effect prior to the effective date of such subtitle B) due to willful disregard of the requirements of the provision involved, gross negligence, or failure to comply with accepted standards of administration.
<p>SEC. 117. LOCAL WORKFORCE <b>INVESTMENT</b> BOARDS.</p> <p>(a) ESTABLISHMENT.--There shall be established in each local area of a State, and certified by the Governor of the State, a local workforce investment board, to set policy for the portion of the statewide workforce investment system within the local area (referred to in this title as a "local workforce investment system").</p> <p>(b) MEMBERSHIP.--</p> <p>(1) STATE CRITERIA.--The Governor of the State, in partnership with the State board, shall establish criteria for use by chief elected officials in the local areas for appointment of members of the local boards in such local areas in accordance with the requirements of paragraph (2).</p> <p>(2) COMPOSITION.--Such criteria shall require, at a minimum, that the membership of each local board (A) shall include—</p> <p><b>(4) MAJORITY.--A majority of the members of the local board shall be representatives described in paragraph (2)(A)(i).</b></p> <p>(i) representatives of business in the local area, who—</p> <p>(I) are owners of businesses, chief executives or operating officers of businesses, and other business executives or employers with optimum policymaking or hiring authority;</p> <p>(II) represent businesses with employment opportunities that reflect the employment opportunities of the local area; and</p>	<p>SEC. 107. LOCAL WORKFORCE <b>DEVELOPMENT</b> BOARDS.</p> <p>(a) Establishment.—<b>Except as provided in subsection (c)(2)(A),</b> there shall be established, and certified by the Governor of the State, a local workforce development board in each local area of a State to carry out the functions described in subsection (d) (and any functions specified for the local board under this Act or the provisions establishing a core program) for such area.</p> <p>(b) Membership.—</p> <p>(1) STATE CRITERIA.—The Governor, in partnership with the State board, shall establish criteria for use by chief elected officials in the local areas for appointment of members of the local boards in such local areas in accordance with the requirements of paragraph (2).</p> <p>(2) COMPOSITION.—Such criteria shall require that, at a minimum—</p> <p>(A) a majority of the members of each local board shall be representatives of business in the local area, who—</p> <p>(i) are owners of businesses, chief executives or operating officers of businesses, or other business executives or employers with optimum policymaking or hiring authority;</p> <p>(ii) represent businesses, <b>including small businesses, or organizations representing businesses described in this clause,</b> that provide</p>

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<p>(III) are appointed from among individuals nominated by local business organizations and business trade associations;</p> <p><b>(ii) (CORRESPONDS TO ANOTHER PART IN THIS SECTION)</b></p> <p>(iii) representatives of labor organizations (for a local area in which employees are represented by labor organizations), nominated by local labor federations, or (for a local area in which no employees are represented by such organizations), other representatives of employees;</p> <p>(iv) representatives of community-based organizations (including organizations representing individuals with disabilities and veterans, for a local area in which such organizations are present);</p>	<p>employment opportunities that, at a minimum, include high-quality, work-relevant training and development in in-demand industry sectors or occupations in the local area; and</p> <p>(iii) are appointed from among individuals nominated by local business organizations and business trade associations;</p> <p>(B) not less than 20 percent of the members of each local board shall be representatives of the workforce within the local area, who—</p> <p>(i) shall include representatives of labor organizations (for a local area in which employees are represented by labor organizations), who have been nominated by local labor federations, or (for a local area in which no employees are represented by such organizations) other representatives of employees;</p> <p>(ii) shall include a representative, who shall be a member of a labor organization or a training director, from a joint labor-management apprenticeship program, or if no such joint program exists in the area, such a representative of an apprenticeship program in the area, if such a program exists;</p> <p>(iii) may include representatives of community-based organizations that have demonstrated experience and expertise in addressing the employment needs of individuals with barriers to employment, including organizations that serve veterans or that provide or support competitive integrated employment for individuals with disabilities; and</p> <p>(iv) may include representatives of organizations that have demonstrated experience and expertise in addressing the employment, training, or education</p>

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<p>(ii) representatives of local educational entities, including representatives of local educational agencies, local school boards, entities providing adult education and literacy activities, and postsecondary educational institutions (including representatives of community colleges, where such entities exist), selected from among individuals nominated by regional or local educational agencies, institutions, or organizations representing such local educational entities;</p> <p>(v) representatives of economic development agencies, including private sector economic development entities; and</p> <p>(vi) representatives of each of the one-stop partners; and</p>	<p>needs of eligible youth, including representatives of organizations that serve out-of-school youth;</p> <p>(C) each local board shall include representatives of entities administering education and training activities in the local area, who—</p> <p>(i) shall include a representative of eligible providers administering adult education and literacy activities under title II;</p> <p>(ii) shall include a representative of institutions of higher education providing workforce investment activities (including community colleges);</p> <p>(iii) may include representatives of local educational agencies, and of community-based organizations with demonstrated experience and expertise in addressing the education or training needs of individuals with barriers to employment;</p> <p>(D) each local board shall include representatives of governmental and economic and community development entities serving the local area, who—</p> <p>(i) shall include a representative of economic and community development entities;</p> <p>(ii) shall include an appropriate representative from the State employment service office under the Wagner-Peyser Act (29 U.S.C. 49 et seq.) serving the local area;</p> <p>(iii) shall include an appropriate representative of the programs carried out under title I of the Rehabilitation Act of 1973 (29 U.S.C. 720 et seq.), other than section 112 or part C of that title (29 U.S.C. 732, 741), serving the local area;</p>

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<p>(B) may include such other individuals or representatives of entities as the chief elected official in the local area may determine to be appropriate.</p> <p>(3) AUTHORITY OF BOARD MEMBERS.—<b>(CORRESPONDS TO ANOTHER PART IN THIS SECTION)</b></p> <p>(4) MAJORITY <b>(CORRESPONDS TO ANOTHER PART IN THIS SECTION)</b></p> <p>(5) CHAIRPERSON.--The local board shall elect a chairperson for the local board from among the representatives described in paragraph (2)(A)(i).</p>	<p>(iv) may include representatives of agencies or entities administering programs serving the local area relating to transportation, housing, and public assistance; and</p> <p>(v) may include representatives of philanthropic organizations serving the local area; and</p> <p>(E) each local board may include such other individuals or representatives of entities as the chief elected official in the local area may determine to be appropriate.</p> <p>(3) CHAIRPERSON.—The members of the local board shall elect a chairperson for the local board from among the representatives described in paragraph (2)(A).</p> <p>(4) STANDING COMMITTEES.—</p> <p>(A) IN GENERAL.—The local board may designate and direct the activities of standing committees to provide information and to assist the local board in carrying out activities under this section. Such standing committees shall be chaired by a member of the local board, may include other members of the local board, and shall include other individuals appointed by the local board who are not members of the local board and who the local board determines have appropriate experience and expertise. At a minimum, the local board may designate each of the following:</p> <p>(i) A standing committee to provide information and assist with operational and other issues relating to the one-stop delivery system,</p>

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<p>(h) YOUTH COUNCIL.--</p> <p>(1) ESTABLISHMENT.--There shall be established, as a subgroup within each local board, a youth council appointed by the local board, in cooperation with the chief elected official for the local area.</p> <p>(2) MEMBERSHIP.--The membership of each youth council--</p> <p>(A) shall include—</p> <p>(i) members of the local board described in subparagraph (A) or (B) of subsection (b)(2) with special interest or expertise in youth policy;</p>	<p>which may include as members representatives of the one-stop partners.</p> <p>(ii) A standing committee to provide information and to assist with planning, operational, and other issues relating to the provision of services to youth, which shall include community-based organizations with a demonstrated record of success in serving eligible youth.</p> <p>(iii) A standing committee to provide information and to assist with operational and other issues relating to the provision of services to individuals with disabilities, including issues relating to compliance with section 188, if applicable, and applicable provisions of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) regarding providing programmatic and physical access to the services, programs, and activities of the one-stop delivery system, as well as appropriate training for staff on providing supports for or accommodations to, and finding employment opportunities for, individuals with disabilities.</p> <p>(B) ADDITIONAL COMMITTEES.—The local board may designate standing committees in addition to the standing committees specified in subparagraph (A).</p> <p>(C) DESIGNATION OF ENTITY.—Nothing in this paragraph shall be construed to prohibit the designation of an existing (as of the date of enactment of this Act) entity, such as an effective youth council, to fulfill the requirements of this paragraph as long as the entity meets the requirements of this paragraph.</p>

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<p>(ii) representatives of youth service agencies, including juvenile justice and local law enforcement agencies;</p> <p>(iii) representatives of local public housing authorities;</p> <p>(iv) parents of eligible youth seeking assistance under this subtitle;</p> <p>(v) individuals, including former participants, and representatives of organizations, that have experience relating to youth activities; and</p> <p>(vi) representatives of the Job Corps, as appropriate; and</p> <p>(B) may include such other individuals as the chairperson of the local board, in cooperation with the chief elected official, determines to be appropriate.</p> <p>(3) RELATIONSHIP TO LOCAL BOARD.--Members of the youth council who are not members of the local board described in subparagraphs (A) and (B) of subsection (b)(2) shall be voting members of the youth council and nonvoting members of the board.</p> <p>(4) DUTIES.--The duties of the youth council include—</p> <p>(A) developing the portions of the local plan relating to eligible youth, as determined by the chairperson of the local board;</p> <p>(B) subject to the approval of the local board and consistent with section 123—</p> <p>(i) recommending eligible providers of youth activities, to be awarded grants or contracts on a competitive basis by the local board to carry out the youth activities; and</p> <p>(ii) conducting oversight with respect to the eligible providers of youth activities, in the local area;</p> <p>(C) coordinating youth activities authorized under section 129 in the local area; and</p> <p>(D) other duties determined to be appropriate by the chairperson of the local board.</p>	

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<p>(3) AUTHORITY OF BOARD MEMBERS.--Members of the board that represent organizations, agencies, or other entities shall be individuals with optimum policymaking authority within the organizations, agencies, or entities.</p>	<p>(5) AUTHORITY OF BOARD MEMBERS.—Members of the board that represent organizations, agencies, or other entities shall be individuals with optimum policymaking authority within the organizations, agencies, or entities. The members of the board shall represent diverse geographic areas within the local area.</p>
<p>(c) APPOINTMENT AND CERTIFICATION OF BOARD.- (1) APPOINTMENT OF BOARD MEMBERS AND ASSIGNMENT OF RESPONSIBILITIES.--</p> <p>(A) IN GENERAL.--The chief elected official in a local area is authorized to appoint the members of the local board for such area, in accordance with the State criteria established under subsection (b).</p> <p>(B) MULTIPLE UNITS OF LOCAL GOVERNMENT IN AREA.-- (i) IN GENERAL.--In a case in which a local area includes more than 1 unit of general local government, the chief elected officials of such units may execute an agreement that specifies the respective roles of the individual chief elected officials— (I) in the appointment of the members of the local board from the individuals nominated or recommended to be such members in</p>	<p>(6) SPECIAL RULE.—If there are multiple eligible providers serving the local area by administering adult education and literacy activities under title II, or multiple institutions of higher education serving the local area by providing workforce investment activities, each representative on the local board described in clause (i) or (ii) of paragraph (2)(C), respectively, shall be appointed from among individuals nominated by local providers representing such providers or institutions, respectively.</p> <p>(c) Appointment and Certification of Board.— (1) APPOINTMENT OF BOARD MEMBERS AND ASSIGNMENT OF RESPONSIBILITIES.—</p> <p>(A) IN GENERAL.—The chief elected official in a local area is authorized to appoint the members of the local board for such area, in accordance with the State criteria established under subsection (b).</p> <p>(B) MULTIPLE UNITS OF LOCAL GOVERNMENT IN AREA.— (i) IN GENERAL.—In a case in which a local area includes more than 1 unit of general local government, the chief elected officials of such units may execute an agreement that specifies the respective roles of the individual chief elected officials— (I) in the appointment of the members of the local board from the individuals nominated or recommended to be such members in</p>

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<p>accordance with the criteria established under subsection (b); and (II) in carrying out any other responsibilities assigned to such officials under this subtitle.</p> <p>(ii) LACK OF AGREEMENT.--If, after a reasonable effort, the chief elected officials are unable to reach agreement as provided under clause (i), the Governor may appoint the members of the local board from individuals so nominated or recommended.</p> <p>(C) CONCENTRATED EMPLOYMENT PROGRAMS.--In the case of a local area designated in accordance with section 116(a)(2)(B), the governing body of the concentrated employment program involved shall act in consultation with the chief elected official in the local area to appoint members of the local board, in accordance with the State criteria established under subsection (b), and to carry out any other responsibility relating to workforce investment activities assigned to such official under this Act.</p> <p>(2) CERTIFICATION.--</p> <p>(A) IN GENERAL.--The Governor shall, once every 2 years, certify 1 local board for each local area in the State.</p> <p>(B) CRITERIA.--Such certification shall be based on criteria established under subsection (b) and, for a second or subsequent certification, the extent to which the local board has ensured that workforce investment activities carried out in the local area have enabled the local area to meet the local performance measures.</p>	<p>accordance with the criteria established under subsection (b); and (II) in carrying out any other responsibilities assigned to such officials under this title.</p> <p>(ii) LACK OF AGREEMENT.—If, after a reasonable effort, the chief elected officials are unable to reach agreement as provided under clause (i), the Governor may appoint the members of the local board from individuals so nominated or recommended.</p> <p>(C) CONCENTRATED EMPLOYMENT PROGRAMS.—In the case of an area that was designated as a local area in accordance with section 116(a)(2)(B) of the Workforce Investment Act of 1998 (as in effect on the day before the date of enactment of this Act), and that remains a local area on that date, the governing body of the concentrated employment program involved shall act in consultation with the chief elected official in the local area to appoint members of the local board, in accordance with the State criteria established under subsection (b), and to carry out any other responsibility relating to workforce investment activities assigned to such official under this Act.</p> <p>(2) CERTIFICATION.—</p> <p>(A) IN GENERAL.—The Governor shall, once every 2 years, certify 1 local board for each local area in the State.</p> <p>(B) CRITERIA.—Such certification shall be based on criteria established under subsection (b), and for a second or subsequent certification, the extent to which the local board has ensured that workforce investment activities carried out in the local area have enabled the local area to meet the corresponding performance accountability measures <b>and achieve sustained fiscal integrity, as defined in section 106(e)(2).</b></p>

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<p>(C) FAILURE TO ACHIEVE CERTIFICATION.--Failure of a local board to achieve certification shall result in reappointment and certification of another local board for the local area pursuant to the process described in paragraph (1) and this paragraph.</p> <p>(3) DECERTIFICATION.--</p> <p>(A) FRAUD, ABUSE, FAILURE TO CARRY OUT FUNCTIONS.--</p> <p>Notwithstanding paragraph (2), the Governor may decertify a local board, at any time after providing notice and an opportunity for comment, for—</p> <ul style="list-style-type: none"> <li>(i) fraud or abuse; or</li> <li>(ii) failure to carry out the functions specified for the local board in any of paragraphs (1) through (7) of subsection (d).</li> </ul> <p>(B) NONPERFORMANCE.--Notwithstanding paragraph (2), the Governor may decertify a local board if a local area fails to meet the local performance measures for such local area for 2 consecutive program years (in accordance with section 136(h)).</p> <p>(C) PLAN.--If the Governor decertifies a local board for a local area under subparagraph (A) or (B), the Governor may require that a new local board be appointed and certified for the local area pursuant to a reorganization plan developed by the Governor, in consultation with the chief elected official in the local area, and in accordance with the criteria established under subsection (b).</p> <p>(4) SINGLE STATE AREA.</p> <p>--Notwithstanding subsection (b) and paragraphs (1) and (2), if a State</p>	<p>(C) FAILURE TO ACHIEVE CERTIFICATION.—Failure of a local board to achieve certification shall result in appointment and certification of a new local board for the local area pursuant to the process described in paragraph (1) and this paragraph.</p> <p>(3) DECERTIFICATION.—</p> <p>(A) FRAUD, ABUSE, FAILURE TO CARRY OUT FUNCTIONS.—Notwithstanding paragraph (2), the Governor shall have the authority to decertify a local board at any time after providing notice and an opportunity for comment, for—</p> <ul style="list-style-type: none"> <li>(i) fraud or abuse; or</li> <li>(ii) failure to carry out the functions specified for the local board in subsection (d).</li> </ul> <p>(B) NONPERFORMANCE.—Notwithstanding paragraph (2), the Governor may decertify a local board if a local area fails to meet the local performance accountability measures for such local area in accordance with section 116(c) for 2 consecutive program years.</p> <p>(C) REORGANIZATION PLAN.—If the Governor decertifies a local board for a local area under subparagraph (A) or (B), the Governor may require that a new local board be appointed and certified for the local area pursuant to a reorganization plan developed by the Governor, in consultation with the chief elected official in the local area and in accordance with the criteria established under subsection (b).</p> <p>(4) SINGLE STATE LOCAL AREA.—</p> <p>(A) STATE BOARD.—Notwithstanding subsection (b) and paragraphs (1) and</p>

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<p>described in section 116(b) indicates in the State plan that the State will be treated as a local area for purposes of the application of this title, the Governor may designate the State board to carry out any of the functions described in subsection (d).</p>	<p>(2), if a State described in section 106(d) indicates in the State plan that the State will be treated as a single State local area, for purposes of the application of this Act or the provisions authorizing a core program, the State board shall carry out any of the functions of a local board under this Act or the provisions authorizing a core program, including the functions described in subsection (d).</p>
	<p>(B) REFERENCES.—</p> <p>(i) IN GENERAL.—Except as provided in clauses (ii) and (iii), with respect to such a State, a reference in this Act or a core program provision to a local board shall be considered to be a reference to the State board, and a reference in the Act or provision to a local area or region shall be considered to be a reference to the State.</p> <p>(ii) PLANS.—The State board shall prepare a local plan under section 108 for the State, and submit the plan for approval as part of the State plan.</p> <p>(iii) PERFORMANCE ACCOUNTABILITY MEASURES.—The State shall not be required to meet and report on a set of local performance accountability measures.</p>
<p>(d) FUNCTIONS OF LOCAL BOARD.--The functions of the local board shall include the following:</p> <p>(1) LOCAL PLAN.--Consistent with section 118, each local board, in partnership with the chief elected official for the local area involved, shall develop and submit a local plan to the Governor.</p>	<p>(d) Functions of Local Board.—Consistent with section 108, the functions of the local board shall include the following:</p> <p>(1) LOCAL PLAN.—The local board, in partnership with the chief elected official for the local area involved, shall develop and submit a local plan to the Governor that meets the requirements in section 108. If the local area is part of a planning region that includes other local areas, the local board shall collaborate with the other local boards and chief elected officials from such other local areas in the preparation and submission of a regional plan as described in section 106(c)(2).</p>

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<p>(6) EMPLOYMENT STATISTICS SYSTEM.--The local board shall assist the Governor in developing the statewide employment statistics system described in section 15(e) of the Wagner- Peyser Act.</p>	<p>(2) WORKFORCE RESEARCH AND REGIONAL LABOR MARKET ANALYSIS.—In order to assist in the development and implementation of the local plan, the local board shall—</p> <p>(A) carry out analyses of the economic conditions in the region, the needed knowledge and skills for the region, the workforce in the region, and workforce development activities (including education and training) in the region described in section 108(b)(1)(D), and regularly update such information;</p> <p>(B) assist the Governor in developing the statewide workforce and labor market information system described in section 15(e) of the Wagner-Peyser Act (29 U.S.C. 491-2(e)), specifically in the collection, analysis, and utilization of workforce and labor market information for the region; and</p> <p>(C) conduct such other research, data collection, and analysis related to the workforce needs of the regional economy as the board, after receiving input from a wide array of stakeholders, determines to be necessary to carry out its functions.</p> <p>(3) CONVENING, BROKERING, LEVERAGING.—The local board shall convene local workforce development system stakeholders to assist in the development of the local plan under section 108 and in identifying non-Federal expertise and resources to leverage support for workforce development activities. The local board, including standing committees, may engage such stakeholders in carrying out the functions described in this subsection.</p> <p>(4) EMPLOYER ENGAGEMENT.—The local board shall lead efforts to engage with a diverse range of employers and with entities in the region involved—</p> <p>(A) to promote business representation (particularly representatives with</p>

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<p>(7) EMPLOYER LINKAGES.--The local board shall coordinate the workforce investment activities authorized under this subtitle and carried out in the local area with economic development strategies and develop other employer linkages with such activities.</p> <p>(8) CONNECTING, BROKERING, AND COACHING.--The local board shall promote the participation of private sector employers in the statewide workforce investment system and ensure the effective provision, through the system, of connecting, brokering, and coaching activities, through intermediaries such as the one-stop operator in the local area or through other organizations, to assist such employers in meeting hiring needs.</p>	<p>optimal policymaking or hiring authority from employers whose employment opportunities reflect existing and emerging employment opportunities in the region) on the local board;</p> <p>(B) to develop effective linkages (including the use of intermediaries) with employers in the region to support employer utilization of the local workforce development system and to support local workforce investment activities;</p> <p>(C) to ensure that workforce investment activities meet the needs of employers and support economic growth in the region, by enhancing communication, coordination, and collaboration among employers, economic development entities, and service providers; and</p> <p>(D) to develop and implement proven or promising strategies for meeting the employment and skill needs of workers and employers (such as the establishment of industry and sector partnerships), that provide the skilled workforce needed by employers in the region, and that expand employment and career advancement opportunities for workforce development system participants in in-demand industry sectors or occupations.</p> <p>(5) CAREER PATHWAYS DEVELOPMENT.—The local board, with representatives</p>

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	<p>of secondary and postsecondary education programs, shall lead efforts in the local area to develop and implement career pathways within the local area by aligning the employment, training, education, and supportive services that are needed by adults and youth, particularly individuals with barriers to employment.</p> <p>(6) PROVEN AND PROMISING PRACTICES.—The local board shall lead efforts in the local area to—</p> <p>(A) identify and promote proven and promising strategies and initiatives for meeting the needs of employers, and workers and jobseekers (including individuals with barriers to employment) in the local workforce development system, including providing physical and programmatic accessibility, in accordance with section 188, if applicable, and applicable provisions of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.), to the one-stop delivery system; and</p> <p>(B) identify and disseminate information on proven and promising practices carried out in other local areas for meeting such needs.</p> <p>(7) TECHNOLOGY.—The local board shall develop strategies for using technology to maximize the accessibility and effectiveness of the local workforce development system for employers, and workers and jobseekers, by—</p> <p>(A) facilitating connections among the intake and case management information systems of the one-stop partner programs to support a comprehensive workforce development system in the local area;</p> <p>(B) facilitating access to services provided through the one-stop delivery system involved, including facilitating the access in remote areas;</p>

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<p>(4) PROGRAM OVERSIGHT.--The local board, in partnership with the chief elected official, shall conduct oversight with respect to local programs of youth activities authorized under section 129, local employment and training activities authorized under section 134, and the one-stop delivery system in the local area.</p> <p>(5) NEGOTIATION OF LOCAL PERFORMANCE MEASURES.--The local board, the chief elected official, and the Governor shall negotiate and reach agreement on local performance measures as described in section 136(c).</p> <p>(2) SELECTION OF OPERATORS AND PROVIDERS.—</p>	<p>(C) identifying strategies for better meeting the needs of individuals with barriers to employment, including strategies that augment traditional service delivery, and increase access to services and programs of the one-stop delivery system, such as improving digital literacy skills; and</p> <p>(D) leveraging resources and capacity within the local workforce development system, including resources and capacity for services for individuals with barriers to employment.</p> <p>(8) PROGRAM OVERSIGHT.—The local board, in partnership with the chief elected official for the local area, shall—</p> <p>(A)(i) conduct oversight for local youth workforce investment activities authorized under section 129(c), local employment and training activities authorized under subsections (c) and (d) of section 134, and the one-stop delivery system in the local area; and</p> <p>(ii) ensure the appropriate use and management of the funds provided under subtitle B for the activities and system described in clause (i); and</p> <p>(B) for workforce development activities, ensure the appropriate use, management, and investment of funds to maximize performance outcomes under section 116.</p> <p>(9) NEGOTIATION OF LOCAL PERFORMANCE ACCOUNTABILITY MEASURES.—The local board, the chief elected official, and the Governor shall negotiate and reach agreement on local performance accountability measures as described in section 116(c).</p> <p>(10) SELECTION OF OPERATORS AND PROVIDERS.—</p>

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# WIA & WIOA Side-by-Side

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Workforce Investment Act of 1998	Workforce Innovation and Opportunity Act of 2014
<p>(A) SELECTION OF ONE-STOP OPERATORS.--Consistent with section 121(d), the local board, with the agreement of the chief elected official—</p> <p>(i) shall designate or certify one-stop operators as described in section 121(d)(2)(A); and</p> <p>(ii) may terminate for cause the eligibility of such operators.</p> <p>(B) SELECTION OF YOUTH PROVIDERS.--Consistent with section 123, the local board shall identify eligible providers of youth activities in the local area by awarding grants or contracts on a competitive basis, based on the recommendations of the youth council.</p> <p>(C) IDENTIFICATION OF ELIGIBLE PROVIDERS OF TRAINING SERVICES.--Consistent with section 122, the local board shall identify eligible providers of training services described in section 134(d)(4) in the local area.</p> <p>(D) IDENTIFICATION OF ELIGIBLE PROVIDERS OF <del>INTENSIVE</del> SERVICES.--If the one-stop operator does not provide intensive services in a local area, the local board shall identify eligible providers of intensive services described in section 134(d)(3) in the local area by awarding contracts.</p>	<p>(A) SELECTION OF ONE-STOP OPERATORS.—Consistent with section 121(d), the local board, with the agreement of the chief elected official for the local area—</p> <p>(i) shall designate or certify one-stop operators as described in section 121(d)(2)(A); and</p> <p>(ii) may terminate for cause the eligibility of such operators.</p> <p>(B) SELECTION OF YOUTH PROVIDERS.—Consistent with section 123, the local board—</p> <p>(i) shall identify eligible providers of youth workforce investment activities in the local area by awarding grants or contracts on a competitive basis (except as provided in section 123(b)), based on the recommendations of the youth standing committee, if such a committee is established for the local area under subsection (b)(4); and</p> <p>(ii) may terminate for cause the eligibility of such providers.</p> <p>(C) IDENTIFICATION OF ELIGIBLE PROVIDERS OF TRAINING SERVICES.—Consistent with section 122, the local board shall identify eligible providers of training services in the local area.</p> <p>(D) IDENTIFICATION OF ELIGIBLE PROVIDERS OF CAREER SERVICES.—If the one-stop operator does not provide career services described in section 134(c)(2) in a local area, the local board shall identify eligible providers of those career services in the local area by awarding contracts.</p> <p>(E) CONSUMER CHOICE REQUIREMENTS.—Consistent with section 122 and paragraphs (2) and (3) of section 134(c), the local board shall work with the State to ensure there are sufficient numbers and types of providers of career</p>

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	<p>services and training services (including eligible providers with expertise in assisting individuals with disabilities and eligible providers with expertise in assisting adults in need of adult education and literacy activities) serving the local area and providing the services involved in a manner that maximizes consumer choice, as well as providing opportunities that lead to competitive integrated employment for individuals with disabilities.</p> <p>(11) COORDINATION WITH EDUCATION PROVIDERS.—</p> <p>(A) IN GENERAL.—The local board shall coordinate activities with education and training providers in the local area, including providers of workforce investment activities, providers of adult education and literacy activities under title II, providers of career and technical education (as defined in section 3 of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2302)) and local agencies administering plans under title I of the Rehabilitation Act of 1973 (29 U.S.C. 720 et seq.), other than section 112 or part C of that title (29 U.S.C. 732, 741).</p> <p>(B) APPLICATIONS AND AGREEMENTS.—The coordination described in subparagraph (A) shall include—</p> <p>(i) consistent with section 232—</p> <p>(I) reviewing the applications to provide adult education and literacy activities under title II for the local area, submitted under such section to the eligible agency by eligible providers, to determine whether such applications are consistent with the local plan; and</p> <p>(II) making recommendations to the eligible agency to promote alignment with such plan; and</p> <p>(ii) replicating cooperative agreements in accordance with subparagraph (B) of section 101(a)(11) of the Rehabilitation Act of 1973 (29 U.S.C. 721(a)(11)), and implementing cooperative agreements in accordance with</p>

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<p>(3) BUDGET AND ADMINISTRATION.--</p> <p>(A) BUDGET.--The local board shall develop a budget for the purpose of carrying out the duties of the local board under this section, subject to the approval of the chief elected official.</p> <p>(B) ADMINISTRATION.--</p> <p>(i) GRANT RECIPIENT.--</p> <p>(I) IN GENERAL.--The chief elected official in a local area shall serve as the local grant recipient for, and shall be liable for any misuse of, the grant funds allocated to the local area under sections 128 and 133, unless the chief elected official reaches an agreement with the Governor for the Governor to act as the local grant recipient and bear such liability.</p> <p>(II) DESIGNATION.--In order to assist in the administration of the grant funds, the chief elected official or the Governor, where the Governor serves as the</p>	<p>that section with the local agencies administering plans under title I of that Act (29 U.S.C. 720 et seq.) (other than section 112 or part C of that title (29 U.S.C. 732, 741) and subject to section 121(f)), with respect to efforts that will enhance the provision of services to individuals with disabilities and other individuals, such as cross training of staff, technical assistance, use and sharing of information, cooperative efforts with employers, and other efforts at cooperation, collaboration, and coordination.</p> <p>(C) COOPERATIVE AGREEMENT.—In this paragraph, the term “cooperative agreement” means an agreement entered into by a State designated agency or State designated unit under subparagraph (A) of section 101(a)(11) of the Rehabilitation Act of 1973.</p> <p>(12) BUDGET AND ADMINISTRATION.—</p> <p>(A) BUDGET.—The local board shall develop a budget for the activities of the local board in the local area, consistent with the local plan and the duties of the local board under this section, subject to the approval of the chief elected official.</p> <p>(B) ADMINISTRATION.—</p> <p>(i) GRANT RECIPIENT.—</p> <p>(I) IN GENERAL.—The chief elected official in a local area shall serve as the local grant recipient for, and shall be liable for any misuse of, the grant funds allocated to the local area under sections 128 and 133, unless the chief elected official reaches an agreement with the Governor for the Governor to act as the local grant recipient and bear such liability.</p> <p>(II) DESIGNATION.—In order to assist in administration of the grant funds, the chief elected official or the Governor, where the Governor serves as the local</p>

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<p>local grant recipient for a local area, may designate an entity to serve as a local grant subrecipient for such funds or as a local fiscal agent. Such designation shall not relieve the chief elected official or the Governor of the liability for any misuse of grant funds as described in subclause (I).</p> <p>(III) DISBURSAL.--The local grant recipient or an entity designated under subclause (II) shall disburse such funds for workforce investment activities at the direction of the local board, pursuant to the requirements of this title, if the direction does not violate a provision of this Act. The local grant recipient or entity designated under subclause (II) shall disburse the funds immediately on receiving such direction from the local board.</p> <p>(ii) STAFF.—<b>(CORRESPONDS TO ANOTHER AREA IN THIS SECTION)</b></p> <p>(iii) GRANTS AND DONATIONS.--The local board may solicit and accept grants and donations from sources other than Federal funds made available under this Act.</p> <p>(4) PROGRAM OVERSIGHT - <b>(CORRESPONDS TO ANOTHER AREA IN THIS SECTION)</b></p> <p>(5) NEGOTIATION OF LOCAL PERFORMANCE MEASURES.-- <b>(CORRESPONDS TO ANOTHER AREA IN THIS SECTION)</b></p> <p>(6) EMPLOYMENT STATISTICS SYSTEM. <b>(CORRESPONDS TO ANOTHER AREA IN THIS SECTION)</b></p> <p>(7) EMPLOYER LINKAGES.-- <b>(CORRESPONDS TO ANOTHER AREA IN THIS SECTION)</b></p> <p>(8) CONNECTING, BROKERING, AND COACHING<b>(CORRESPONDS TO ANOTHER AREA IN THIS SECTION)</b></p>	<p>grant recipient for a local area, may designate an entity to serve as a local grant subrecipient for such funds or as a local fiscal agent. Such designation shall not relieve the chief elected official or the Governor of the liability for any misuse of grant funds as described in subclause (I).</p> <p>(III) DISBURSAL.—The local grant recipient or an entity designated under subclause (II) shall disburse the grant funds for workforce investment activities at the direction of the local board, pursuant to the requirements of this title. The local grant recipient or entity designated under subclause (II) shall disburse the funds immediately on receiving such direction from the local board.</p> <p>(ii) GRANTS AND DONATIONS.—The local board may solicit and accept grants and donations from sources other than Federal funds made available under this Act.</p> <p>(iii) TAX-EXEMPT STATUS.—For purposes of carrying out duties under this Act, local boards may incorporate, and may operate as entities described in section 501(c)(3) of the Internal Revenue Code of 1986 that are exempt from taxation under section 501(a) of such Code.</p> <p>(13) ACCESSIBILITY FOR INDIVIDUALS WITH DISABILITIES.—The local board shall annually assess the physical and programmatic accessibility, in accordance with section 188, if applicable, and applicable provisions of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.), of all one-stop centers in the local area.</p>

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<p>(e) SUNSHINE PROVISION.--The local board shall make available to the public, on a regular basis through open meetings, information regarding the activities of the local board, including information regarding the local plan prior to submission of the plan, and regarding membership, the designation and certification of one-stop operators, and the award of grants or contracts to eligible providers of youth activities, and on request, minutes of formal meetings of the local board.</p> <p>(ii) STAFF.--The local board may employ staff.</p> <p>(f ) LIMITATIONS.--</p> <p>(1) TRAINING SERVICES.--</p> <p>(A) IN GENERAL.--Except as provided in subparagraph (B), no local board may provide training services described in section 134(d)(4).</p>	<p>(e) Sunshine Provision.—The local board shall make available to the public, on a regular basis through electronic means and open meetings, information regarding the activities of the local board, including information regarding the local plan prior to submission of the plan, and regarding membership, the designation and certification of one-stop operators, and the award of grants or contracts to eligible providers of youth workforce investment activities, and on request, minutes of formal meetings of the local board.</p> <p>(f) Staff.—</p> <p>(1) IN GENERAL.—The local board may hire a director and other staff to assist in carrying out the functions described in subsection (d) using funds available under sections 128(b) and 133(b) as described in section 128(b)(4).</p> <p>(2) QUALIFICATIONS.—The local board shall establish and apply a set of objective qualifications for the position of director, that ensures that the individual selected has the requisite knowledge, skills, and abilities, to meet identified benchmarks and to assist in effectively carrying out the functions of the local board.</p> <p>(3) LIMITATION ON RATE.—The director and staff described in paragraph (1) shall be subject to the limitations on the payment of salaries and bonuses described in section 194(15).</p> <p>(g) Limitations.—</p> <p>(1) TRAINING SERVICES.—</p> <p>(A) IN GENERAL.—Except as provided in subparagraph (B), no local board may provide training services.</p>

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<p>(B) WAIVERS OF TRAINING PROHIBITION.--The Governor of the State in which a local board is located may, pursuant to a request from the local board, grant a written waiver of the prohibition set forth in subparagraph (A) (relating to the provision of training services) for a program of training services, if the local board—</p> <p>(i) submits to the Governor a proposed request for the waiver that includes—</p> <p>(I) satisfactory evidence that there is an insufficient number of eligible providers of such a program of training services to meet local demand in the local area;</p> <p>(II) information demonstrating that the board meets the requirements for an eligible provider of training services under section 122; and</p> <p>(III) information demonstrating that the program of training services prepares participants for an occupation that is in demand in the local area;</p> <p>(ii) makes the proposed request available to eligible providers of training services and other interested members of the public for a public comment period of not less than 30 days; and</p> <p>(iii) includes, in the final request for the waiver, the evidence and information described in clause (i) and the comments received pursuant to clause (ii).</p> <p>(C) DURATION.--A waiver granted to a local board under subparagraph (B) shall apply for a period of not to exceed <del>1-year</del>. The waiver may be renewed for additional periods of not to exceed <del>1-year</del>, pursuant to requests from the local board, if the board meets the requirements of subparagraph (B) in making the requests.</p>	<p>(B) WAIVERS OF TRAINING PROHIBITION.—The Governor of the State in which a local board is located may, pursuant to a request from the local board, grant a written waiver of the prohibition set forth in subparagraph (A) (relating to the provision of training services) for a program of training services, if the local board—</p> <p>(i) submits to the Governor a proposed request for the waiver that includes—</p> <p>(I) satisfactory evidence that there is an insufficient number of eligible providers of such a program of training services to meet local demand in the local area;</p> <p>(II) information demonstrating that the board meets the requirements for an eligible provider of training services under section 122; and</p> <p>(III) information demonstrating that the program of training services prepares participants for an in-demand industry sector or occupation in the local area;</p> <p>(ii) makes the proposed request available to eligible providers of training services and other interested members of the public for a public comment period of not less than 30 days; and</p> <p>(iii) includes, in the final request for the waiver, the evidence and information described in clause (i) and the comments received pursuant to clause (ii).</p> <p>(C) DURATION.—A waiver granted to a local board under subparagraph (B) shall apply for a period that shall not exceed the duration of the local plan. The waiver may be renewed for additional periods under subsequent local plans, not to exceed the durations of such subsequent plans, pursuant to requests from the local board, if the board meets the requirements of subparagraph (B) in making the requests.</p>

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<p>(D) REVOCATION.--The Governor may revoke a waiver granted under this paragraph during the appropriate period described in subparagraph (C) if the State determines that the local board involved has engaged in a pattern of inappropriate referrals to training services operated by the local board.</p> <p>(2) <del>CORE SERVICES</del>; INTENSIVE SERVICES; DESIGNATION OR CERTIFICATION AS ONE-STOP OPERATORS.--A local board may provide core services described in section 134(d)(2) or intensive services described in section 134(d)(3) through a one-stop delivery system described in section 134(c) or be designated or certified as a one-stop operator only with the agreement of the chief elected official and the Governor.</p> <p>(3) LIMITATION ON AUTHORITY.--Nothing in this Act shall be construed to provide a local board with the authority to mandate curricula for schools.</p> <p>(g) CONFLICT OF INTEREST.--A member of a local board may not—</p> <ol style="list-style-type: none"> <li>(1) vote on a matter under consideration by the local board— <ol style="list-style-type: none"> <li>(A) regarding the provision of services by such member (or by an entity that such member represents); or</li> <li>(B) that would provide direct financial benefit to such member or the immediate family of such member; or</li> </ol> </li> <li>(2) engage in any other activity determined by the Governor to constitute a conflict of interest as specified in the State plan.</li> </ol> <p>(h) YOUTH COUNCIL.—(CORRESPONDS TO ANOTHER AREA IN SECTION)</p> <p>(i) ALTERNATIVE ENTITY.--</p> <p>(1) IN GENERAL.--For purposes of complying with subsections (a), (b), and</p>	<p>(D) REVOCATION.—The Governor shall have the authority to revoke the waiver during the appropriate period described in subparagraph (C) if the Governor determines the waiver is no longer needed or that the local board involved has engaged in a pattern of inappropriate referrals to training services operated by the local board.</p> <p>(2) CAREER SERVICES; DESIGNATION OR CERTIFICATION AS ONE-STOP OPERATORS.—A local board may provide career services described in section 134(c)(2) through a one-stop delivery system or be designated or certified as a one-stop operator only with the agreement of the chief elected official in the local area and the Governor.</p> <p>(3) LIMITATION ON AUTHORITY.—Nothing in this Act shall be construed to provide a local board with the authority to mandate curricula for schools.</p> <p>(h) Conflict of Interest.—A member of a local board, or a member of a standing committee, may not—</p> <ol style="list-style-type: none"> <li>(1) vote on a matter under consideration by the local board— <ol style="list-style-type: none"> <li>(A) regarding the provision of services by such member (or by an entity that such member represents); or</li> <li>(B) that would provide direct financial benefit to such member or the immediate family of such member; or</li> </ol> </li> <li>(2) engage in any other activity determined by the Governor to constitute a conflict of interest as specified in the State plan.</li> </ol> <p>(i) Alternative Entity.—</p> <p>(1) IN GENERAL.—For purposes of complying with subsections (a), (b), and</p>

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<p>(c), and paragraphs (1) and (2) of subsection (h), a State may use any local entity (including a local council, regional workforce development board, or similar entity) that—</p> <p>(A) is established to serve the local area (or the service delivery area that most closely corresponds to the local area);</p> <p>(B) is in existence on December 31, 1997;</p> <p>(C)(i) is established pursuant to section 102 of the Job Training Partnership Act, as in effect on December 31, 1997; or</p> <p>(ii) is substantially similar to the local board described in subsections (a), (b), and (c), and paragraphs (1) and (2) of subsection (h); and</p> <p>(D) includes--</p> <p>(i) representatives of business in the local area; and</p> <p>(ii)(I) representatives of labor organizations (for a local area in which employees are represented by labor organizations), nominated by local labor federations; or (II) (for a local area in which no employees are represented by such organizations), other representatives of employees in the local area.</p> <p><del>(2) REFERENCES.—References in this Act to a local board or a youth council shall be considered to include such an entity or a subgroup of such an entity, respectively.</del></p>	<p>(c), a State may use any local entity (including a local council, regional workforce development board, or similar entity) that—</p> <p>(A) is established to serve the local area (or the service delivery area that most closely corresponds to the local area);</p> <p>(B) was in existence on the day before the date of enactment of this Act, pursuant to State law; and</p> <p>(C) includes—</p> <p>(i) representatives of business in the local area; and</p> <p>(ii)(I) representatives of labor organizations (for a local area in which employees are represented by labor organizations), nominated by local labor federations; or</p> <p>(II) other representatives of employees in the local area (for a local area in which no employees are represented by such organizations).</p> <p>(2) REFERENCES.—A reference in this Act or a core program provision to a local board, shall include a reference to such an entity.</p>
<p>SEC. 118. LOCAL PLAN.</p> <p>(a) IN GENERAL.--Each local board shall develop and submit to the Governor a comprehensive <del>5-year local plan</del> (referred to in this title as the "local plan"), in partnership with the appropriate chief elected official. The plan shall be consistent with the State plan.</p>	<p>SEC. 108. LOCAL PLAN.</p> <p>(a) In General.—Each local board shall develop and submit to the Governor a comprehensive <b>4-year local plan</b>, in partnership with the chief elected official. The local plan shall support the strategy described in the State plan in accordance with section 102(b)(1)(E), and otherwise be consistent with the State plan. <b>If the local area is part of a planning region, the local board shall comply with section 106(c) in the preparation and submission of a</b></p>

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<p>(b) CONTENTS.--The local plan shall include--</p> <p>(1) <del>an identification of--</del></p> <p>(A) <del>the workforce investment needs of businesses, jobseekers, and workers in the local area;</del></p> <p>(B) <del>the current and projected employment opportunities in the local area; and</del></p> <p>(C) <del>the job skills necessary to obtain such employment opportunities;</del></p>	<p>regional plan. At the end of the first 2-year period of the 4-year local plan, each local board shall review the local plan and the local board, in partnership with the chief elected official, shall prepare and submit modifications to the local plan to reflect changes in labor market and economic conditions or in other factors affecting the implementation of the local plan.</p> <p>(b) Contents.—The local plan shall include—</p> <p>(1) a description of the strategic planning elements consisting of—</p> <p>(A) an analysis of the regional economic conditions including—</p> <p>(i) existing and emerging in-demand industry sectors and occupations; and</p> <p>(ii) the employment needs of employers in those industry sectors and occupations;</p> <p>(B) an analysis of the knowledge and skills needed to meet the employment needs of the employers in the region, including employment needs in in-demand industry sectors and occupations;</p> <p>(C) an analysis of the workforce in the region, including current labor force employment (and unemployment) data, and information on labor market trends, and the educational and skill levels of the workforce in the region, including individuals with barriers to employment;</p> <p>(D) an analysis of the workforce development activities (including education and training) in the region, including an analysis of the strengths and weaknesses of such services, and the capacity to provide such services, to address the identified education and skill needs of the workforce and the employment needs of employers in the region;</p>

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<p>(2) a description of the one-stop delivery system to be established or designated in the local area, including--</p>	<p>(E) a description of the local board's strategic vision and goals for preparing an educated and skilled workforce (including youth and individuals with barriers to employment), including goals relating to the performance accountability measures based on primary indicators of performance described in section 116(b)(2)(A) in order to support regional economic growth and economic self-sufficiency; and</p> <p>(F) taking into account analyses described in subparagraphs (A) through (D), a strategy to work with the entities that carry out the core programs to align resources available to the local area, to achieve the strategic vision and goals described in subparagraph (E);</p> <p>(2) a description of the workforce development system in the local area that identifies the programs that are included in that system and how the local board will work with the entities carrying out core programs and other workforce development programs to support alignment to provide services, including programs of study authorized under the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2301 et seq.), that support the strategy identified in the State plan under section 102(b)(1)(E);</p> <p>(3) a description of how the local board, working with the entities carrying out core programs, will expand access to employment, training, education, and supportive services for eligible individuals, particularly eligible individuals with barriers to employment, including how the local board will facilitate the development of career pathways and co-enrollment, as appropriate, in core programs, and improve access to activities leading to a recognized postsecondary credential (including a credential that is an industry-recognized certificate or certification, portable, and stackable);</p>

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<p>(A) (CORRESPONDS TO ANOTHER PART IN THIS SECTION)</p> <p>(B) (CORRESPONDS TO ANOTHER PART IN THIS SECTION)</p> <p>(3) (CORRESPONDS TO ANOTHER PART IN THIS SECTION)</p>	<p>(4) a description of the strategies and services that will be used in the local area—</p> <p>(A) in order to—</p> <p>(i) facilitate engagement of employers, including small employers and employers in in-demand industry sectors and occupations, in workforce development programs;</p> <p>(ii) support a local workforce development system that meets the needs of businesses in the local area;</p> <p>(iii) better coordinate workforce development programs and economic development; and</p> <p>(iv) strengthen linkages between the one-stop delivery system and unemployment insurance programs; and</p> <p>(B) that may include the implementation of initiatives such as incumbent worker training programs, on-the-job training programs, customized training programs, industry and sector strategies, career pathways initiatives, utilization of effective business intermediaries, and other business services and strategies, designed to meet the needs of employers in the corresponding region in support of the strategy described in paragraph (1)(F);</p> <p>(5) a description of how the local board will coordinate workforce investment activities carried out in the local area with economic development activities carried out in the region in which the local area is located (or planning region), and promote entrepreneurial skills training and microenterprise services;</p>

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<p>(A) a description of how the local board will ensure the continuous improvement of eligible providers of services through the system and ensure that such providers meet the employment needs of local employers and <b>participants</b>; and</p> <p>(4) a description and assessment of the type and availability of adult and dislocated worker employment and training activities in the local area;</p> <p>(5) a description of how the local board will coordinate workforce investment activities carried out in the local area with statewide rapid response activities, as appropriate;</p>	<p><b>(6) a description of the one-stop delivery system in the local area, including—</b></p> <p>(A) a description of how the local board will ensure the continuous improvement of eligible providers of services through the system and ensure that such providers meet the employment needs of local employers, <b>and workers and jobseekers</b>;</p> <p>(B) a description of how the local board will facilitate access to services provided through the one-stop delivery system, including in remote areas, through the use of technology and through other means;</p> <p>(C) a description of how entities within the one-stop delivery system, including one-stop operators and the one-stop partners, will comply with section 188, if applicable, and applicable provisions of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) regarding the physical and programmatic accessibility of facilities, programs and services, technology, and materials for individuals with disabilities, including providing staff training and support for addressing the needs of individuals with disabilities; and</p> <p>(D) a description of the roles and resource contributions of the one-stop partners;</p> <p>(7) a description and assessment of the type and availability of adult and dislocated worker employment and training activities in the local area;</p> <p>(8) a description of how the local board will coordinate workforce investment activities carried out in the local area with statewide rapid response activities, as described in section 134(a)(2)(A);</p>

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# WIA & WIOA Side-by-Side

September 2014

Workforce Investment Act of 1998	Workforce Innovation and Opportunity Act of 2014
<p>(6) a description and assessment of the type and availability of youth activities in the local area, including an identification of successful providers of such activities;</p> <p>(7) <b>(CORRESPONDS TO ANOTHER PART IN THIS SECTION)</b></p> <p>(8) <b>(CORRESPONDS TO ANOTHER PART IN THIS SECTION)</b></p> <p>(9) <b>(CORRESPONDS TO ANOTHER PART IN THIS SECTION)</b></p> <p>(10) <b>(CORRESPONDS TO ANOTHER PART IN THIS SECTION)</b></p> <p>(B) a copy of each memorandum of understanding described in section 121(c) (between the local board and each of the one-stop partners) concerning the operation of the one-stop delivery system in the local area;</p>	<p>(9) a description and assessment of the type and availability of youth workforce investment activities in the local area, including activities for youth who are individuals with disabilities, which description and assessment shall include an identification of successful models of such youth workforce investment activities;</p> <p>(10) a description of how the local board will coordinate education and workforce investment activities carried out in the local area with relevant secondary and postsecondary education programs and activities to coordinate strategies, enhance services, and avoid duplication of services;</p> <p>(11) a description of how the local board will coordinate workforce investment activities carried out under this title in the local area with the provision of transportation, including public transportation, and other appropriate supportive services in the local area;</p> <p>(12) a description of plans and strategies for, and assurances concerning, maximizing coordination of services provided by the State employment service under the Wagner-Peyser Act (29 U.S.C. 49 et seq.) and services provided in the local area through the one-stop delivery system, to improve service delivery and avoid duplication of services;</p> <p>(13) a description of how the local board will coordinate workforce investment activities carried out under this title in the local area with the provision of adult education and literacy activities under title II in the local area, including a description of how the local board will carry out, consistent with subparagraphs (A) and (B)(i) of section 107(d)(11) and section 232, the review of local applications submitted under title II;</p>

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September 2014

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<p>(8) an identification of the entity responsible for the disbursement of grant funds described in section 117(d)(3)(B)(i)(III), as determined by the chief elected official or the Governor under section 117(d)(3)(B)(i);</p> <p>(9) a description of the competitive process to be used to award the grants and contracts in the local area for activities carried out under this subtitle; and</p> <p>(3) a description of the local levels of performance negotiated with the Governor and chief elected official pursuant to section 136(c), to be used to measure the performance of the local area and to be used by the local board for measuring the performance of the local fiscal agent (where appropriate), eligible providers, and the one-stop delivery system, in the local area;</p>	<p>(14) a description of the replicated cooperative agreements (as defined in section 107(d)(11)) between the local board or other local entities described in section 101(a)(11)(B) of the Rehabilitation Act of 1973 (29 U.S.C. 721(a)(11)(B)) and the local office of a designated State agency or designated State unit administering programs carried out under title I of such Act (29 U.S.C. 720 et seq.) (other than section 112 or part C of that title (29 U.S.C. 732, 741) and subject to section 121(f)) in accordance with section 101(a)(11) of such Act (29 U.S.C. 721(a)(11)) with respect to efforts that will enhance the provision of services to individuals with disabilities and to other individuals, such as cross training of staff, technical assistance, use and sharing of information, cooperative efforts with employers, and other efforts at cooperation, collaboration, and coordination;</p> <p>(15) an identification of the entity responsible for the disbursement of grant funds described in section 107(d)(12)(B)(i)(III), as determined by the chief elected official or the Governor under section 107(d)(12)(B)(i);</p> <p>(16) a description of the competitive process to be used to award the subgrants and contracts in the local area for activities carried out under this title;</p> <p>(17) a description of the local levels of performance negotiated with the Governor and chief elected official pursuant to section 116(c), to be used to measure the performance of the local area and to be used by the local board for measuring the performance of the local fiscal agent (where appropriate), eligible providers under subtitle B, and the one-stop delivery system, in the local area;</p>

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<p>(7) a description of the process used by the local board, consistent with subsection (c), to provide an opportunity for public comment, including comment by representatives of businesses and comment by representatives of labor organizations, and input into the development of the local plan, prior to submission of the plan;</p> <p>(10) such other information as the Governor may require.</p>	<p>(18) a description of the actions the local board will take toward becoming or remaining a high-performing board, consistent with the factors developed by the State board pursuant to section 101(d)(6);</p> <p>(19) a description of how training services under chapter 3 of subtitle B will be provided in accordance with section 134(c)(3)(G), including, if contracts for the training services will be used, how the use of such contracts will be coordinated with the use of individual training accounts under that chapter and how the local board will ensure informed customer choice in the selection of training programs regardless of how the training services are to be provided;</p> <p>(20) a description of the process used by the local board, consistent with subsection (d), to provide an opportunity for public comment, including comment by representatives of businesses and comment by representatives of labor organizations, and input into the development of the local plan, prior to submission of the plan;</p> <p>(21) a description of how one-stop centers are implementing and transitioning to an integrated, technology-enabled intake and case management information system for programs carried out under this Act and programs carried out by one-stop partners; and</p> <p>(22) such other information as the Governor may require.</p> <p>(c) Existing Analysis.—As appropriate, a local area may use an existing analysis in order to carry out the requirements of subsection (b)(1) concerning an analysis.</p>

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<p>(c) PROCESS.—Prior to the date on which the local board submits a local plan under this section, the local board shall—</p> <p>(1) make available copies of a proposed local plan to the public through such means as public hearings and local news media;</p> <p>(2) allow <del>members of the local board</del> and members of the public, including representatives of business and representatives of labor organizations, to submit comments on the proposed local plan to the local board, not later than the end of the 30-day period beginning on the date on which the proposed local plan is made available; and</p> <p>(3) include with the local plan submitted to the Governor under this section any such comments that represent disagreement with the plan.</p> <p>(d) PLAN SUBMISSION AND APPROVAL.—A local plan submitted to the Governor under this section shall be considered to be approved by the Governor at the end of the 90-day period beginning on the day the Governor receives the plan, unless the Governor makes a written determination during the 90-day period that--</p> <p>(1) deficiencies in activities carried out under this subtitle have been identified, through audits conducted under section 184 or otherwise, and the local area has not made acceptable progress in implementing corrective measures to address the deficiencies; or</p> <p>(2) the plan does not comply with this title.</p>	<p>(d) Process.—Prior to the date on which the local board submits a local plan under this section, the local board shall—</p> <p>(1) make available copies of a proposed local plan to the public <b>through electronic and other means</b>, such as public hearings and local news media;</p> <p>(2) allow members of the public, including representatives of business, representatives of labor organizations, and representatives of education to submit to the local board comments on the proposed local plan, not later than the end of the 30-day period beginning on the date on which the proposed local plan is made available; and</p> <p>(3) include with the local plan submitted to the Governor under this section any such comments that represent disagreement with the plan.</p> <p>(e) Plan Submission and Approval.—A local plan submitted to the Governor under this section (including a modification to such a local plan) shall be considered to be approved by the Governor at the end of the 90-day period beginning on the day the Governor receives the plan (including such a modification), unless the Governor makes a written determination during the 90-day period that—</p> <p>(1) deficiencies in activities carried out under this subtitle or subtitle B have been identified, through audits conducted under section 184 or otherwise, and the local area has not made acceptable progress in implementing corrective measures to address the deficiencies;</p> <p>(2) the plan does not comply with the applicable provisions of this Act; or</p> <p>(3) <b>the plan does not align with the State plan, including failing to provide for alignment of the core programs to support the strategy identified in the State plan in accordance with section 102(b)(1)(E).</b></p>

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CHAPTER 3—BOARD PROVISIONS	CHAPTER 3—BOARD PROVISIONS
	<p><b>SEC. 111. FUNDING OF STATE AND LOCAL BOARDS.</b></p> <p>(a) State Boards.—In funding a State board under this subtitle, a State—</p> <p>(1) shall use funds available as described in section 129(b)(3) or 134(a)(3)(B); and</p> <p>(2) may use non-Federal funds available to the State that the State determines are appropriate and available for that use.</p> <p>(b) Local Boards.—In funding a local board under this subtitle, the chief elected official and local board for the local area—</p> <p>(1) shall use funds available as described in section 128(b)(4); and</p> <p>(2) may use non-Federal funds available to the local area that the chief elected official and local board determine are appropriate and available for that use.</p>
	CHAPTER 4—PERFORMANCE ACCOUNTABILITY
<p><b>SEC. 136. PERFORMANCE ACCOUNTABILITY SYSTEM.</b></p> <p>(a) <b>PURPOSE.</b>--The purpose of this section is to establish a comprehensive performance accountability system, comprised of the activities described in this section, to assess the effectiveness of States and local areas in achieving continuous improvement of workforce investment activities funded under this subtitle, in order to optimize the return on investment of Federal funds in statewide and local workforce investment activities.</p>	<p><b>SEC. 116. PERFORMANCE ACCOUNTABILITY SYSTEM.</b></p> <p>(a) Purpose.—The purpose of this section is to establish performance accountability measures that apply across the core programs to assess the effectiveness of States and local areas (for core programs described in subtitle B) in achieving positive outcomes for individuals served by those programs.</p>

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<p>(b) STATE PERFORMANCE MEASURES.--</p> <p>(1) IN GENERAL.--For each State, the State performance measures shall consist of—</p> <p class="text-red">(A)(i) the <del>core</del> indicators of performance described in paragraph (2)(A) <del>and the customer satisfaction indicator of performance described in paragraph (2)(B); and</del></p> <p class="text-red">(ii) additional indicators of performance (if any) identified by the State under paragraph (2)(C); and</p> <p>(B) a State adjusted level of performance for each indicator described in subparagraph (A).</p> <p>(2) INDICATORS OF PERFORMANCE.--</p> <p>(A) <del>CORE INDICATORS OF PERFORMANCE.--</del></p> <p class="text-red">(i) <del>IN GENERAL.--The core indicators of performance for employment and training activities authorized under section 134 (except for self-service and informational activities) and (for participants who are eligible youth age 19 through 21) for youth activities authorized under section 129 shall consist of—</del></p> <p class="text-red">(I) <del>entry into unsubsidized employment;</del></p> <p class="text-red">(II) <del>retention in unsubsidized employment 6 months after entry into the employment;</del></p>	<p>(b) State Performance Accountability Measures.—</p> <p>(1) IN GENERAL.—For each State, the performance accountability measures for the core programs shall consist of—</p> <p>(A)(i) the primary indicators of performance described in paragraph (2)(A); and</p> <p>(ii) the additional indicators of performance (if any) identified by the State under paragraph (2)(B); and</p> <p>(B) a State adjusted level of performance for each indicator described in subparagraph (A).</p> <p>(2) INDICATORS OF PERFORMANCE.—</p> <p>(A) PRIMARY INDICATORS OF PERFORMANCE.—</p> <p>(i) IN GENERAL.—The State primary indicators of performance for activities provided under the adult and dislocated worker programs authorized under chapter 3 of subtitle B, the program of adult education and literacy activities authorized under title II, the employment services program authorized under sections 1 through 13 of the Wagner-Peyser Act (29 U.S.C. 49 et seq.) (except that subclauses (IV) and (V) shall not apply to such program), and the program authorized under title I of the Rehabilitation Act of 1973 (29 U.S.C. 720 et seq.), other than section 112 or part C of that title (29 U.S.C. 732, 741), shall consist of—</p> <p>(I) <b>the percentage of program participants</b> who are in unsubsidized employment during the second quarter after exit from the program;</p> <p>(II) <b>the percentage of program participants who are in unsubsidized employment during the fourth quarter after exit from the program;</b></p>

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<p>(III) earnings received in unsubsidized employment 6 months after entry into the employment; and</p> <p>(IV) attainment of a recognized credential relating to achievement of educational skills, which may include attainment of a secondary school diploma or its recognized equivalent, or occupational skills, by participants who enter unsubsidized employment, or by participants who are eligible youth age 19 through 21 who enter postsecondary education, advanced training, or unsubsidized employment.</p> <p>(ii) <del>CORE</del> INDICATORS FOR ELIGIBLE YOUTH.--The core indicators of performance (for participants who are eligible youth age 14 through 18) for youth activities authorized under section 129, shall include—</p> <p><del>(I) attainment of basic skills and, as appropriate, work readiness or occupational skills;</del></p> <p>(II) attainment of secondary school diplomas and their recognized equivalents; and</p> <p>(III) placement and retention in postsecondary education or advanced training, or placement and retention in <del>military service</del>, employment, or qualified apprenticeships.</p>	<p>(III) the median earnings of program participants who are in unsubsidized employment during the second quarter after exit from the program;</p> <p>(IV) the percentage of program participants who obtain a recognized postsecondary credential, or a secondary school diploma or its recognized equivalent (subject to clause (iii)), during participation in or within 1 year after exit from the program;</p> <p>(V) the percentage of program participants who, during a program year, are in an education or training program that leads to a recognized postsecondary credential or employment and who are achieving measurable skill gains toward such a credential or employment; and</p> <p>(VI) the indicators of effectiveness in serving employers established pursuant to clause (iv).</p> <p>(ii) PRIMARY INDICATORS FOR ELIGIBLE YOUTH.—The primary indicators of performance for the youth program authorized under chapter 2 of subtitle B shall consist of—</p> <p>(I) the percentage of program participants who are in education or training activities, or in unsubsidized employment, during the second quarter after exit from the program;</p> <p>(II) the percentage of program participants who are in education or training activities, or in unsubsidized employment, during the fourth quarter after exit from the program; and</p> <p>(III) the primary indicators of performance described in subclauses (III)</p>

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<p><del>(B) CUSTOMER SATISFACTION INDICATORS.—The customer satisfaction indicator of performance shall consist of customer satisfaction of employers and participants with services received from the workforce investment activities authorized under this subtitle. Customer satisfaction may be measured through surveys conducted after the conclusion of participation in the workforce investment activities.</del></p> <p>(C) ADDITIONAL INDICATORS.--A State may identify in the State plan additional indicators for workforce investment activities authorized under this subtitle.</p> <p>(3) LEVELS OF PERFORMANCE.--</p> <p>(A) STATE ADJUSTED LEVELS OF PERFORMANCE FOR <del>CORE INDICATORS AND CUSTOMER SATISFACTION INDICATOR.</del></p> <p>(i) IN GENERAL.--For each State submitting a State plan, there shall be established, in accordance with this subparagraph, levels of performance for</p>	<p>through (VI) of subparagraph (A)(i).</p> <p>(iii) INDICATOR RELATING TO CREDENTIAL.—For purposes of clause (i)(IV), or clause (ii)(III) with respect to clause (i)(IV), program participants who obtain a secondary school diploma or its recognized equivalent shall be included in the percentage counted as meeting the criterion under such clause only if such participants, in addition to obtaining such diploma or its recognized equivalent, have obtained or retained employment or are in an education or training program leading to a recognized postsecondary credential within 1 year after exit from the program.</p> <p>(iv) INDICATOR FOR SERVICES TO EMPLOYERS.—Prior to the commencement of the second full program year after the date of enactment of this Act, for purposes of clauses (i)(VI), or clause (ii)(III) with respect to clause (i)(IV), the Secretary of Labor and the Secretary of Education, after consultation with the representatives described in paragraph (4)(B), shall jointly develop and establish, for purposes of this subparagraph, 1 or more primary indicators of performance that indicate the effectiveness of the core programs in serving employers.</p> <p>(B) ADDITIONAL INDICATORS.—A State may identify in the State plan additional performance accountability indicators.</p> <p>(3) LEVELS OF PERFORMANCE.—</p> <p>(A) STATE ADJUSTED LEVELS OF PERFORMANCE FOR PRIMARY INDICATORS.—</p> <p>(i) IN GENERAL.—For each State submitting a State plan, there shall be established, in accordance with this subparagraph, levels of performance for</p>

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<p>each of the core indicators of performance described in paragraph (2)(A) <del>and the customer satisfaction indicator described in paragraph (2)(B) for workforce investment activities authorized under this subtitle. The levels of performance established under this subparagraph shall, at a minimum—</del></p> <p><del>(I) be expressed in an objective, quantifiable, and measurable form; and</del></p> <p><del>(II) show the progress of the State toward continuously improving in performance.</del></p> <p>(ii) IDENTIFICATION IN STATE PLAN.--Each State shall identify, in the State plan submitted under section 112, expected levels of performance for each of the core indicators of performance and the customer satisfaction indicator of performance, <del>for the first 3 program years covered by the State plan.</del></p> <p>(iii) AGREEMENT ON STATE ADJUSTED LEVELS OF PERFORMANCE FOR <del>FIRST 3 YEARS.</del></p> <p><del>--In order to ensure an optimal return on the investment of Federal funds in workforce investment activities authorized under this subtitle, the Secretary and each Governor shall reach agreement on levels of performance for each of the core indicators of performance and the customer satisfaction indicator of performance, for the first 3 program years covered by the State plan, taking into account the levels identified in the State plan under clause</del></p>	<p>each of the corresponding primary indicators of performance described in paragraph (2) for each of the programs described in clause (ii).</p> <p>(ii) INCLUDED PROGRAMS.—The programs included under clause (i) are—</p> <p>(I) the youth program authorized under chapter 2 of subtitle B;</p> <p>(II) the adult program authorized under chapter 3 of subtitle B;</p> <p>(III) the dislocated worker program authorized under chapter 3 of subtitle B;</p> <p>(IV) the program of adult education and literacy activities authorized under title II;</p> <p>(V) the employment services program authorized under sections 1 through 13 of the Wagner-Peyser Act (29 U.S.C. 49 et seq.); and</p> <p>(VI) the program authorized under title I of the Rehabilitation Act of 1973 (29 U.S.C. 720 et seq.), other than section 112 or part C of that title (29 U.S.C. 732, 741).</p> <p>(iii) IDENTIFICATION IN STATE PLAN.—Each State shall identify, in the State plan, expected levels of performance for each of the corresponding primary indicators of performance for each of the programs described in clause (ii) for the first <b>2 program years covered by the State plan.</b></p> <p>(iv) AGREEMENT ON STATE ADJUSTED LEVELS OF PERFORMANCE.—</p> <p><b>(I) FIRST 2 YEARS.</b>—The State shall reach agreement with the Secretary of Labor, in conjunction with the Secretary of Education on levels of performance for each indicator described in clause (iii) for each of the programs described in clause (ii) for each of the <b>first 2 program years</b> covered by the State plan. In reaching the agreement, the State and the Secretary of Labor in conjunction with the Secretary of Education shall take into account the levels identified in the State plan under clause (iii) and the factors described in clause (v). The</p>

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<p>(ii) and the factors described in clause (iv). The levels agreed to under this clause shall be considered to be the State adjusted levels of performance for the State for such years and shall be incorporated into the State plan prior to the approval of such plan.</p> <p>(v) AGREEMENT ON STATE ADJUSTED LEVELS OF PERFORMANCE FOR 4TH AND 5TH YEARS.--Prior to the 4th program year covered by the State plan, the Secretary and each Governor shall reach agreement on levels of performance for each of the core indicators of performance and the customer satisfaction indicator of performance, for the 4th and 5th program years covered by the State plan, taking into account the factors described in clause (iv). The levels agreed to under this clause shall be considered to be the State adjusted levels of performance for the State for such years and shall be incorporated into the State plan.</p> <p>(iv) FACTORS.--The agreement described in clause (iii) or (v) shall take into account—</p> <p><del>(I) the extent to which the levels involved will assist the State in attaining a high level of customer satisfaction;</del></p> <p>(II) how the levels involved compare with the State adjusted levels of performance established for other States, taking into account factors including differences in economic conditions, the characteristics of participants when the participants entered the program, and the services to be provided; and</p>	<p>levels agreed to shall be considered to be the State adjusted levels of performance for the State for such program years and shall be incorporated into the State plan prior to the approval of such plan.</p> <p>(II) THIRD AND FOURTH YEAR.—The State and the Secretary of Labor, in conjunction with the Secretary of Education, shall reach agreement, prior to the third program year covered by the State plan, on levels of performance for each indicator described in clause (iii) for each of the programs described in clause (ii) for each of the third and fourth program years covered by the State plan. In reaching the agreement, the State and Secretary of Labor, in conjunction with the Secretary of Education, shall take into account the factors described in clause (v). The levels agreed to shall be considered to be the State adjusted levels of performance for the State for such program years and shall be incorporated into the State plan as a modification to the plan.</p> <p>(v) FACTORS.—In reaching the agreements described in clause (iv), the State and Secretaries shall—</p> <p>(I) take into account how the levels involved compare with the State adjusted levels of performance established for other States;</p> <p>(II) ensure that the levels involved are adjusted, using the objective statistical model established by the Secretaries pursuant to clause (viii), based on—</p> <p>(aa) the differences among States in actual economic conditions (including differences in unemployment rates and job losses or gains in particular industries); and</p> <p>(bb) the characteristics of participants when the participants entered</p>

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<p>(III) the extent to which such levels involved promote continuous improvement in performance on the performance measures by such State and ensure optimal return on the investment of Federal funds.</p> <p>(v) AGREEMENT ON STATE ADJUSTED LEVELS OF PERFORMANCE FOR 4TH AND 5TH YEARS <b>(CORRESPONDS TO ANOTHER PART IN THIS SECTION)</b></p> <p>(vi) REVISIONS.--If unanticipated circumstances arise in a State resulting in a significant change in the factors described in clause (iv)(II), the Governor may request that the State adjusted levels of performance agreed to under clause (iii) or (v) be revised. The Secretary, after collaboration with the representatives described in subsection (i), shall issue objective criteria and</p>	<p>the program involved, including indicators of poor work history, lack of work experience, lack of educational or occupational skills attainment, dislocation from high-wage and high-benefit employment, low levels of literacy or English proficiency, disability status, homelessness, ex-offender status, and welfare dependency;</p> <p>(III) take into account the extent to which the levels involved promote continuous improvement in performance accountability on the performance accountability measures by such State and ensure optimal return on the investment of Federal funds; and</p> <p>(IV) take into account the extent to which the levels involved will assist the State in meeting the goals described in clause (vi).</p> <p>(vi) GOALS.—In order to promote enhanced performance outcomes and to facilitate the process of reaching agreements with the States under clause (iv), the Secretary of Labor, in conjunction with the Secretary of Education, shall establish performance goals for the core programs, in accordance with the Government Performance and Results Act of 1993 (Public Law 103-62; 107 Stat. 285) and the amendments made by that Act, and in consultation with States and other appropriate parties. Such goals shall be long-term goals for the adjusted levels of performance to be achieved by each of the programs described in clause (ii) regarding the corresponding primary indicators of performance described in paragraph (2)(A).</p> <p>(vii) REVISIONS BASED ON ECONOMIC CONDITIONS AND INDIVIDUALS SERVED DURING THE PROGRAM YEAR.—The Secretary of Labor, in conjunction with the Secretary of Education, shall, in accordance with the objective statistical model developed pursuant to clause (viii), revise the State adjusted levels of performance applicable for each of the programs described in clause (ii), for a</p>

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<p>methods for making such revisions.</p> <p>(B) LEVELS OF PERFORMANCE FOR ADDITIONAL INDICATORS.-- The State may identify, in the State plan, State levels of performance for each of the additional indicators described in paragraph (2)(C). Such levels shall be considered to be State adjusted levels of performance for purposes of this title.</p>	<p>program year and a State, to reflect the actual economic conditions and characteristics of participants (as described in clause (v)(II)) in that program during such program year in such State.</p> <p>(viii) STATISTICAL ADJUSTMENT MODEL.—The Secretary of Labor and the Secretary of Education, after consultation with the representatives described in paragraph (4)(B), shall develop and disseminate an objective statistical model that will be used to make the adjustments in the State adjusted levels of performance for actual economic conditions and characteristics of participants under clauses (v) and (vii).</p> <p>(B) LEVELS OF PERFORMANCE FOR ADDITIONAL INDICATORS.—The State may identify, in the State plan, State levels of performance for each of the additional indicators identified under paragraph (2)(B). Such levels shall be considered to be State adjusted levels of performance for purposes of this section.</p> <p>(4) DEFINITIONS OF INDICATORS OF PERFORMANCE.— (A) IN GENERAL.—In order to ensure nationwide comparability of performance data, the Secretary of Labor and the Secretary of Education, after consultation with representatives described in subparagraph (B), shall issue definitions for the indicators described in paragraph (2).</p> <p>(B) REPRESENTATIVES.—The representatives referred to in subparagraph (A) are representatives of States and political subdivisions, business and industry, employees, eligible providers of activities carried out through the core programs, educators, researchers, participants, the lead State agency officials with responsibility for the programs carried out through the core programs, individuals with expertise in serving individuals with barriers to employment,</p>

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<p>(c) LOCAL PERFORMANCE MEASURES.--</p> <p>(1) IN GENERAL.--For each local area in a State, the local performance measures shall consist of—</p> <p>(A)(i) the core indicators of performance described in subsection (b)(2)(A), <del>and the customer satisfaction indicator of performance described in subsection (b)(2)(B), for activities described in such subsections,</del> other than statewide workforce investment activities; and</p> <p>(ii) <del>additional indicators of performance (if any) identified by the State under subsection (b)(2)(C) for activities described in such subsection, other than statewide workforce investment activities; and</del></p> <p>(B) a local level of performance for each indicator described in subparagraph (A).</p> <p>(2) LOCAL LEVEL OF PERFORMANCE.--The local board, the chief elected official, and the Governor shall negotiate and reach agreement on the local levels of performance based on the State adjusted levels of performance established under subsection (b).</p> <p>(3) DETERMINATIONS.--<del>In determining such local levels of performance, the local board, the chief elected official, and the Governor shall take into account the specific economic, demographic, and other characteristics of the populations to be served in the local area.</del></p>	<p><b>and other interested parties.</b></p> <p>(c) Local Performance <b>Accountability</b> Measures for Subtitle B.—</p> <p>(1) IN GENERAL.—For each local area in a State designated under section 106, the local performance accountability measures for each of the programs described in subclauses (I) through (III) of subsection (b)(3)(A)(ii) shall consist of—</p> <p>(A)(i) the primary indicators of performance described in subsection (b)(2)(A) that are applicable to such programs; and</p> <p>(ii) additional indicators of performance, if any, identified by the State for such programs under subsection (b)(2)(B); and</p> <p>(B) the local level of performance for each indicator described in subparagraph (A).</p> <p>(2) LOCAL LEVEL OF PERFORMANCE.—The local board, the chief elected official, and the Governor shall negotiate and reach agreement on local levels of performance based on the State adjusted levels of performance established under subsection (b)(3)(A).</p> <p>(3) ADJUSTMENT FACTORS.—In negotiating the local levels of performance, the local board, the chief elected official, and the Governor shall make adjustments for the expected economic conditions and the expected characteristics of participants to be served in the local area, <b>using the statistical adjustment model developed pursuant to subsection (b)(3)(A)(viii). In addition, the negotiated local levels of performance applicable to a program</b></p>

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<p>(d) REPORT.--</p> <p>(1) IN GENERAL.--Each State that receives an allotment under section 127 or 132 shall annually prepare and submit to the Secretary a report on the progress of the State in achieving State performance measures, including information on the levels of performance achieved by the State with respect to the core indicators of performance and the customer satisfaction indicator. The annual report also shall include information regarding the progress of local areas in the State in achieving local performance measures, including information on the levels of performance achieved by the areas with respect to the core indicators of performance and the customer satisfaction indicator. The report also shall include information on the status of State evaluations of workforce investment activities described in subsection (e).</p>	<p>year shall be revised to reflect the actual economic conditions experienced and the characteristics of the populations served in the local area during such program year using the statistical adjustment model.</p> <p>(d) Performance Reports.—</p> <p>(1) IN GENERAL.—Not later than 12 months after the date of enactment of this Act, the Secretary of Labor, in conjunction with the Secretary of Education, shall develop a template for performance reports that shall be used by States, local boards, and eligible providers of training services under section 122 to report on outcomes achieved by the core programs. In developing such templates, the Secretary of Labor, in conjunction with the Secretary of Education, will take into account the need to maximize the value of the templates for workers, jobseekers, employers, local elected officials, State officials, Federal policymakers, and other key stakeholders.</p> <p>(2) CONTENTS OF STATE PERFORMANCE REPORTS.—The performance report for a State shall include, subject to paragraph (5)(C)—</p> <p>(A) information specifying the levels of performance achieved with respect to the primary indicators of performance described in subsection (b)(2)(A) for each of the programs described in subsection (b)(3)(A)(ii) and the State adjusted levels of performance with respect to such indicators for each program;</p> <p>(B) information specifying the levels of performance achieved with respect to the primary indicators of performance described in subsection (b)(2)(A) for each of the programs described in subsection (b)(3)(A)(ii) with respect to individuals with barriers to employment, disaggregated by each subpopulation of such individuals, and by race, ethnicity, sex, and age;</p>

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<p>(2) <b>ADDITIONAL INFORMATION.</b>--In preparing such report, the State shall include, at a minimum, information on participants in workforce investment activities authorized under this subtitle relating to—</p> <p><b>(A) (CORRESPONDS TO ANOTHER PART IN THIS SECTION)</b></p> <p><del>(B) wages at entry into employment for participants in workforce investment activities who entered unsubsidized employment, including the rate of wage replacement for such participants who are dislocated workers;</del></p> <p><del>(C) cost of workforce investment activities relative to the effect of the activities on the performance of participants;</del></p> <p><del>(D) retention and earnings received in unsubsidized employment 12 months after entry into the employment;</del></p> <p><del>(E) performance with respect to the indicators of performance specified in subsection (b)(2)(A) of participants in workforce investment activities who received the training services compared with the performance of participants in workforce investment activities who received only services other than the training services (excluding participants who received only self-service and informational activities); and</del></p> <p><del>(F) performance with respect to the indicators of performance specified in</del></p>	<p>(C) the total number of participants served by each of the programs described in subsection (b)(3)(A)(ii);</p> <p>(D) the number of participants who received career and training services, respectively, during the most recent program year and the 3 preceding program years, and the amount of funds spent on each type of service;</p> <p>(E) the number of participants who exited from career and training services, respectively, during the most recent program year and the 3 preceding program years;</p> <p>(F) the average cost per participant of those participants who received career and training services, respectively, during the most recent program year and the 3 preceding program years;</p> <p>(G) the percentage of participants in a program authorized under this subtitle who received training services and obtained unsubsidized employment in a field related to the training received;</p> <p>(H) the number of individuals with barriers to employment served by each of the programs described in subsection (b)(3)(A)(ii), disaggregated by each subpopulation of such individuals;</p> <p>(I) the number of participants who are enrolled in more than 1 of the programs described in subsection (b)(3)(A)(ii);</p> <p>(J) the percentage of the State's annual allotment under section 132(b) that</p>

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<del>subsection (b)(2)(A) of recipients of public assistance, out-of-school youth, veterans, individuals with disabilities, displaced homemakers, and older individuals.</del>	<p>the State spent on administrative costs;</p> <p>(K) in the case of a State in which local areas are implementing pay-for-performance contract strategies for programs—</p> <p>(i) the performance of service providers entering into contracts for such strategies, measured against the levels of performance specified in the contracts for such strategies; and</p> <p>(ii) an evaluation of the design of the programs and performance of the strategies, and, where possible, the level of satisfaction with the strategies among employers and participants benefitting from the strategies; and</p> <p>(L) other information that facilitates comparisons of programs with programs in other States.</p> <p>(3) CONTENTS OF LOCAL AREA PERFORMANCE REPORTS.—The performance reports for a local area shall include, subject to paragraph (6)(C)—</p> <p>(A) the information specified in subparagraphs (A) through (L) of paragraph (2), for each of the programs described in subclauses (I) through (III) of subsection (b)(3)(A)(ii);</p> <p>(B) the percentage of the local area’s allocation under sections 128(b) and 133(b) that the local area spent on administrative costs; and</p> <p>(C) other information that facilitates comparisons of programs with programs in other local areas (or planning regions, as appropriate).</p> <p>(4) CONTENTS OF ELIGIBLE TRAINING PROVIDERS PERFORMANCE REPORTS.—The performance report for an eligible provider of training services under</p>

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	<p>section 122 shall include, subject to paragraph (6)(C), with respect to each program of study (or the equivalent) of such provider—</p> <p>(A) information specifying the levels of performance achieved with respect to the primary indicators of performance described in subclauses (I) through (IV) of subsection (b)(2)(A)(i) with respect to all individuals engaging in the program of study (or the equivalent);</p> <p>(B) the total number of individuals exiting from the program of study (or the equivalent);</p> <p>(C) the total number of participants who received training services through each of the adult program and the dislocated worker program authorized under chapter 3 of subtitle B, disaggregated by the type of entity that provided the training, during the most recent program year and the 3 preceding program years;</p> <p>(D) the total number of participants who exited from training services, disaggregated by the type of entity that provided the training, during the most recent program year and the 3 preceding program years;</p> <p>(E) the average cost per participant for the participants who received training services, disaggregated by the type of entity that provided the training, during the most recent program year and the 3 preceding program years; and</p> <p>(F) the number of individuals with barriers to employment served by each of the adult program and the dislocated worker program authorized under chapter 3 of subtitle B, disaggregated by each subpopulation of such individuals, and by race, ethnicity, sex, and age.</p>

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<p>(3) INFORMATION DISSEMINATION.--The Secretary--</p> <p>(A) shall make the information contained in such reports available to the general public through publication and other appropriate methods;</p> <p><del>(B) shall disseminate State-by-State comparisons of the information; and</del></p> <p>(C) shall provide the appropriate congressional committees with copies of such reports.</p>	<p>(5) DATA VALIDATION.—In preparing the State reports described in this subsection, each State shall establish procedures, consistent with guidelines issued by the Secretary, in conjunction with the Secretary of Education, to ensure the information contained in the reports is valid and reliable.</p> <p>(6) PUBLICATION.—</p> <p>(A) STATE PERFORMANCE REPORTS.—The Secretary of Labor and the Secretary of Education shall annually make available (including by electronic means), in an easily understandable format, the performance reports for States containing the information described in paragraph (2).</p> <p>(B) LOCAL AREA AND ELIGIBLE TRAINING PROVIDER PERFORMANCE REPORTS.—The State shall make available (including by electronic means), in an easily understandable format, the performance reports for the local areas containing the information described in paragraph (3) and the performance reports for eligible providers of training services containing the information described in paragraph (4).</p> <p>(C) RULES FOR REPORTING OF DATA.—The disaggregation of data under this subsection shall not be required when the number of participants in a category is insufficient to yield statistically reliable information or when the results would reveal personally identifiable information about an individual participant.</p> <p>(D) DISSEMINATION TO CONGRESS.—The Secretary of Labor and the Secretary of Education shall make available (including by electronic means) a summary of the reports, and the reports, required under this subsection to the Committee on Education and the Workforce of the House of Representatives</p>

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<p>(e) EVALUATION OF STATE PROGRAMS.--</p> <p>(1) <del>IN GENERAL.--Using funds made available under this subtitle, the State, in coordination with local boards in the State, shall conduct ongoing evaluation studies of workforce investment activities carried out in the State under this subtitle in order to promote, establish, implement, and utilize methods for continuously improving the activities in order to achieve high-level performance within, and high-level outcomes from, the statewide workforce investment system. To the maximum extent practicable, the State shall coordinate the evaluations with the evaluations provided for by the Secretary under section 172.</del></p> <p>(2) DESIGN.--The evaluation studies conducted under this subsection shall be designed in conjunction with the State board and local boards and shall include analysis of customer feedback and outcome and process measures in the statewide workforce investment system. The studies may include use of control groups.</p>	<p>and the Committee on Health, Education, Labor, and Pensions of the Senate. The Secretaries shall prepare and make available with the reports a set of recommendations for improvements in and adjustments to pay-for-performance contract strategies used under subtitle B.</p> <p>(e) Evaluation of State Programs.—</p> <p>(1) IN GENERAL.—Using funds authorized under a core program and made available to carry out this section, the State, in coordination with local boards in the State and the State agencies responsible for the administration of the core programs, shall conduct ongoing evaluations of activities carried out in the State under such programs. The State, local boards, and State agencies shall conduct the evaluations in order to promote, establish, implement, and utilize methods for continuously improving core program activities in order to achieve high-level performance within, and high-level outcomes from, the workforce development system. The State shall coordinate the evaluations with the evaluations provided for by the Secretary of Labor and the Secretary of Education under section 169, section 242(c)(2)(D), and sections 12(a)(5), 14, and 107 of the Rehabilitation Act of 1973 (29 U.S.C. 709(a)(5), 711, 727) (applied with respect to programs carried out under title I of that Act (29 U.S.C. 720 et seq.)) and the investigations provided for by the Secretary of Labor under section 10(b) of the Wagner-Peyser Act (29 U.S.C. 49i(b)).</p> <p>(2) DESIGN.—The evaluations conducted under this subsection shall be designed in conjunction with the State board, State agencies responsible for the administration of the core programs, and local boards and shall include analysis of customer feedback and outcome and process measures in the statewide workforce development system. The evaluations shall use designs that employ the most rigorous analytical and statistical methods that are reasonably feasible, such as the use of control groups.</p>

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<p>(3) RESULTS.--The State shall periodically prepare and submit to the State board, and local boards in the State, reports containing the results of evaluation studies conducted under this subsection, to promote the efficiency and effectiveness of the statewide workforce investment system in improving employability for jobseekers and competitiveness for employers.</p>	<p>(3) RESULTS.—The State shall annually prepare, submit to the State board and local boards in the State, and make available to the public (including by electronic means), reports containing the results of evaluations conducted under this subsection, to promote the efficiency and effectiveness of the workforce development system.</p>
<p>(f) FISCAL AND MANAGEMENT ACCOUNTABILITY INFORMATION SYSTEMS.— <b>(CORRESPONDS TO ANOTHER SECTION PART IN THIS SECTION)</b></p> <p>(g) SANCTIONS FOR STATE FAILURE TO MEET STATE PERFORMANCE MEASURES.--</p> <p>(1) STATES.--</p> <p>(A) TECHNICAL ASSISTANCE.--If a State fails to meet State adjusted levels of performance relating to indicators described in subparagraph (A) or (B) of subsection (b)(2) for a program for any program year, the Secretary shall, upon request, provide technical assistance in accordance with section 170, including assistance in the development of a performance improvement plan.</p> <p>(B) REDUCTION IN AMOUNT OF GRANT.--If such failure continues for a second</p>	<p>(4) COOPERATION WITH FEDERAL EVALUATIONS.—The State shall, to the extent practicable, cooperate in the conduct of evaluations (including related research projects) provided for by the Secretary of Labor or the Secretary of Education under the provisions of Federal law identified in paragraph (1). Such cooperation shall include the provision of data (in accordance with appropriate privacy protections established by the Secretary of Labor), the provision of responses to surveys, and allowing site visits in a timely manner, for the Secretaries or their agents.</p> <p>(f) Sanctions for State Failure To Meet State Performance Accountability Measures.—</p> <p>(1) STATES.—</p> <p>(A) TECHNICAL ASSISTANCE.—If a State fails to meet the State adjusted levels of performance relating to indicators described in subsection (b)(2)(A) for a program for any program year, the Secretary of Labor and the Secretary of Education shall provide technical assistance, including assistance in the development of a performance improvement plan.</p> <p>(B) REDUCTION IN AMOUNT OF GRANT.—If such failure continues for a second</p>

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<p>consecutive year, or if a State fails to submit a report under subsection (d) for any program year, the Secretary may reduce by not more than 5 percent, the amount of the grant that would (in the absence of this paragraph) be payable to the State under such program for the immediately succeeding program year. Such penalty shall be based on the degree of failure to meet State adjusted levels of performance.</p> <p><del>(2) FUNDS RESULTING FROM REDUCED ALLOTMENTS.--The Secretary shall use an amount retained, as a result of a reduction in an allotment to a State made under paragraph (1)(B), to provide incentive grants under section 503.</del></p> <p>(h) SANCTIONS FOR LOCAL AREA FAILURE TO MEET LOCAL PERFORMANCE MEASURES.--</p> <p>(1) TECHNICAL ASSISTANCE.--If a local area fails to meet levels of performance relating to indicators described in subparagraph (A) or (B) of subsection (b)(2) for a program for any program year, the Governor, or upon request by the Governor, the Secretary, shall provide technical assistance, which may include assistance in the development of a performance improvement plan, or the development of a modified local plan.</p> <p>(2) CORRECTIVE ACTIONS.--</p> <p>(A) IN GENERAL.--If such failure continues for a <del>second consecutive year</del>, the Governor shall take corrective actions, which may include development of a reorganization plan through which the Governor <del>may</del>—</p> <p>(i) require the appointment and certification of a new local board (consistent with the criteria established under section 117(b));</p>	<p>consecutive year, or (except in the case of exceptional circumstances as determined by the Secretary of Labor or the Secretary of Education, as appropriate) a State fails to submit a report under subsection (d) for any program year, the percentage of each amount that would (in the absence of this paragraph) be reserved by the Governor under section 128(a) for the immediately succeeding program year shall be reduced by 5 percentage points until such date as the Secretary of Labor or the Secretary of Education, as appropriate, determines that the State meets such State adjusted levels of performance and has submitted such reports for the appropriate program years.</p> <p>(g) Sanctions for Local Area Failure To Meet Local Performance Accountability Measures.—</p> <p>(1) TECHNICAL ASSISTANCE.—If a local area fails to meet local performance accountability measures established under subsection (c) for the youth, adult, or dislocated worker program authorized under chapter 2 or 3 of subtitle B for a program described in subsection (d)(2)(A) for any program year, the Governor, or upon request by the Governor, the Secretary of Labor, shall provide technical assistance, which may include assistance in the development of a performance improvement plan or the development of a modified local plan (or regional plan).</p> <p>(2) CORRECTIVE ACTIONS.—</p> <p>(A) IN GENERAL.—If such failure continues for a <b>third consecutive year</b>, the Governor shall take corrective actions, which shall include development of a reorganization plan through which the Governor <b>shall</b>—</p> <p>(i) require the appointment and certification of a new local board, consistent with the criteria established under section 107(b);</p>

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<p>(ii) prohibit the use of eligible providers and one-stop partners identified as achieving a poor level of performance; or</p> <p>(iii) take such other actions as the Governor determines are appropriate.</p> <p>(B) APPEAL BY LOCAL AREA.—</p> <p>(i) APPEAL TO GOVERNOR.—A local area that is subject to a reorganization plan under subparagraph (A) may, not later than 30 days after receiving notice of the reorganization plan, appeal to the Governor to rescind or revise such plan. In such case, the Governor shall make a final decision not later then 30 days after the receipt of the appeal.</p> <p>(ii) SUBSEQUENT ACTION.—The local area may, not later than 30 days after receiving a decision from the Governor pursuant to clause (i), appeal such decision to the Secretary. In such case, the Secretary shall make a final decision not later than 30 days after the receipt of the appeal.</p> <p>(C) EFFECTIVE DATE.—The decision made by the Governor under clause (i) of subparagraph (B) shall become effective at the time the Governor issues the decision pursuant to such clause. Such decision shall remain effective unless the Secretary rescinds or revises such plan pursuant to clause (ii) of subparagraph (B).</p>	<p>(ii) prohibit the use of eligible providers and one-stop partners identified as achieving a poor level of performance; or</p> <p>(iii) take such other significant actions as the Governor determines are appropriate.</p> <p>(B) APPEAL BY LOCAL AREA.—</p> <p>(i) APPEAL TO GOVERNOR.—The local board and chief elected official for a local area that is subject to a reorganization plan under subparagraph (A) may, not later than 30 days after receiving notice of the reorganization plan, appeal to the Governor to rescind or revise such plan. In such case, the Governor shall make a final decision not later than 30 days after the receipt of the appeal.</p> <p>(ii) SUBSEQUENT ACTION.—The local board and chief elected official for a local area may, not later than 30 days after receiving a decision from the Governor pursuant to clause (i), appeal such decision to the Secretary of Labor. In such case, the Secretary shall make a final decision not later than 30 days after the receipt of the appeal.</p> <p>(C) EFFECTIVE DATE.—The decision made by the Governor under subparagraph (B)(i) shall become effective at the time the Governor issues the decision pursuant to such clause. Such decision shall remain effective unless the Secretary of Labor rescinds or revises such plan pursuant to subparagraph (B)(ii).</p> <p>(h) Establishing Pay-for-Performance Contract Strategy Incentives.—Using non-Federal funds, the Governor may establish incentives for local boards to implement pay-for-performance contract strategies for the delivery of training</p>

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<p>(f) FISCAL AND MANAGEMENT ACCOUNTABILITY INFORMATION SYSTEMS.—</p> <p>(1) IN GENERAL.--Using funds made available under this subtitle, the Governor, in coordination with local boards and chief elected officials in the State, shall establish and operate a fiscal and management accountability information system based on guidelines established by the Secretary after consultation with the Governors, local elected officials, and one-stop partners. Such guidelines shall promote efficient collection and use of fiscal and management information for reporting and monitoring the use of funds made available under this subtitle and for preparing the annual report described in subsection (d).</p> <p>(2) WAGE RECORDS.--In measuring the progress of the State on State and local performance measures, a State shall utilize quarterly wage records, consistent with State law. The Secretary shall make arrangements, consistent with State law, to ensure that the wage records of any State are available to any other State to the extent that such wage records are required by the State in carrying out the State plan of the State or completing the annual report described in subsection (d).</p> <p>(3) CONFIDENTIALITY.--In carrying out the requirements of this Act, the State shall comply with section 444 of the General Education Provisions Act (20 U.S.C. 1232g) <del>(as added by the Family Educational Rights and Privacy Act of 1974).</del></p>	<p>services described in section 134(c)(3) or activities described in section 129(c)(2) in the local areas served by the local boards.</p> <p>(i) Fiscal and Management Accountability Information Systems.—</p> <p>(1) IN GENERAL.—Using funds authorized under a core program and made available to carry out this chapter, the Governor, in coordination with the State board, the State agencies administering the core programs, local boards, and chief elected officials in the State, shall establish and operate a fiscal and management accountability information system based on guidelines established by the Secretary of Labor and the Secretary of Education after consultation with the Governors of States, chief elected officials, and one-stop partners. Such guidelines shall promote efficient collection and use of fiscal and management information for reporting and monitoring the use of funds authorized under the core programs and for preparing the annual report described in subsection (d).</p> <p>(2) WAGE RECORDS.—In measuring the progress of the State on State and local performance accountability measures, a State shall utilize quarterly wage records, consistent with State law. The Secretary of Labor shall make arrangements, consistent with State law, to ensure that the wage records of any State are available to any other State to the extent that such wage records are required by the State in carrying out the State plan of the State or completing the annual report described in subsection (d).</p> <p>(3) CONFIDENTIALITY.—In carrying out the requirements of this Act, the State shall comply with section 444 of the General Education Provisions Act (20 U.S.C. 1232g).</p>

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<p><del>(i) OTHER MEASURES AND TERMINOLOGY.—</del></p> <p><del>(1) RESPONSIBILITIES.—In order to ensure nationwide comparability of performance data, the Secretary, after collaboration with representatives of appropriate Federal agencies, and representatives of States and political subdivisions, business and industry, employees, eligible providers of employment and training activities, educators, and participants, with expertise regarding workforce investment policies and workforce investment activities, shall issue—</del></p> <p><del>(A) definitions for information required to be reported under subsection (d)(2);</del></p> <p><del>(B) terms for a menu of additional indicators of performance described in subsection (b)(2)(C) to assist States in assessing their progress toward State workforce investment goals; and</del></p> <p><del>(C) objective criteria and methods described in subsection (b)(3)(A)(vi) for making revisions to levels of performance.</del></p> <p><del>(2) DEFINITIONS FOR CORE INDICATORS.—The Secretary and the representatives described in paragraph (1) shall participate in the activities described in section 502 concerning the issuance of definitions for indicators of performance described in subsection (b)(2)(A).</del></p> <p><del>(3) ASSISTANCE.—The Secretary shall make the services of staff available to the representatives to assist the representatives in participating in the collaboration described in paragraph (1) and in the activities described in section 502.</del></p>	
	Subtitle B Workforce Investment Activities and Providers
Chapter 3 Workforce investment Activities Providers Continued	Chapter 1 Workforce Investment Activities and Providers
SEC. 121. ESTABLISHMENT OF ONE-STOP DELIVERY SYSTEMS.	SEC. 121. ESTABLISHMENT OF ONE-STOP DELIVERY SYSTEMS.

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# WIA & WIOA Side-by-Side

September 2014

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<p>(a) IN GENERAL.--Consistent with the State plan, the local board for a local area, with the agreement of the chief elected official for the local area, shall--</p> <p>(1) develop and enter into the memorandum of understanding described in subsection (c) with one-stop partners;</p> <p>(2) designate or certify one-stop operators under subsection (d); and</p> <p>(3) conduct oversight with respect to the one-stop delivery system in the local area.</p> <p>(b) ONE-STOP PARTNERS.--</p> <p>(1) REQUIRED PARTNERS.--</p> <p>(A) <b>IN GENERAL</b>.--Each entity that carries out a program or activities described in subparagraph (B) shall--</p> <p>(i) <b>make available to participants, through a one-stop delivery system, the services described in section 134(d)(2) that are applicable to such program or activities; and</b></p>	<p>(a) In General.—Consistent with an approved State plan, the local board for a local area, with the agreement of the chief elected official for the local area, shall—</p> <p>(1) develop and enter into the memorandum of understanding described in subsection (c) with one-stop partners;</p> <p>(2) designate or certify one-stop operators under subsection (d); and</p> <p>(3) conduct oversight with respect to the one-stop delivery system in the local area.</p> <p>(b) One-stop Partners.—</p> <p>(1) REQUIRED PARTNERS.—</p> <p>(A) <b>ROLES AND RESPONSIBILITIES OF ONE-STOP PARTNERS</b>.—Each entity that carries out a program or activities described in subparagraph (B) in <b>a local area</b> shall—</p> <p>(i) provide access through the one-stop delivery system to such program or activities carried out by the entity, <b>including making the career services described in section 134(c)(2) that are applicable to the program or activities available at the one-stop centers (in addition to any other appropriate locations);</b></p> <p>(ii) <b>use a portion of the funds available for the program and activities to maintain the one-stop delivery system, including payment of the infrastructure costs of one-stop centers in accordance with subsection (h);</b></p> <p>(iii) <b>enter into a local memorandum of understanding with the local board, relating to the operation of the one-stop system, that meets the requirements of subsection (c);</b></p>

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<p>(ii) participate in the operation of such system consistent with the terms of the memorandum described in subsection (c), and with the requirements of the Federal law in which the program or activities are authorized.</p> <p>(B) PROGRAMS AND ACTIVITIES.--The programs and activities referred to in subparagraph (A) consist of—</p> <p>(i) programs authorized under this title;</p> <p>(ii) programs authorized under the Wagner-Peyser Act (29 U.S.C. 49 et seq.);</p> <p>(iii) adult education and literacy activities authorized under title II;</p> <p>(iv) programs authorized under title I of the Rehabilitation Act of 1973 (29 U.S.C. 720 et seq.);</p> <p><b>(v) (CORRESPONDS TO ANOTHER PART IN THIS SECTION)</b></p> <p>(vi) activities authorized under title V of the Older Americans Act of 1965 (42 U.S.C. 3056 et seq.);</p> <p><b>(vii) postsecondary vocational education activities</b> authorized under the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2301 et seq.);</p> <p>(viii) activities authorized under chapter 2 of title II of the Trade Act of 1974 (19 U.S.C. 2271 et seq.);</p>	<p>(iv) participate in the operation of the one-stop system consistent with the terms of the memorandum of understanding, the requirements of this title, and the requirements of the Federal laws authorizing the program or activities; and</p> <p><b>(v) provide representation on the State board to the extent provided under section 101.</b></p> <p>(B) PROGRAMS AND ACTIVITIES.—The programs and activities referred to in subparagraph (A) consist of—</p> <p>(i) programs authorized under this title;</p> <p>(ii) programs authorized under the Wagner-Peyser Act (29 U.S.C. 49 et seq.);</p> <p>(iii) adult education and literacy activities authorized under title II;</p> <p>(iv) programs authorized under title I of the Rehabilitation Act of 1973 (29 U.S.C. 720 et seq.) <b>(other than section 112 or part C of title I of such Act (29 U.S.C. 732, 741);</b></p> <p>(v) activities authorized under title V of the Older Americans Act of 1965 (42 U.S.C. 3056 et seq.);</p> <p><b>(vi) career and technical education programs at the postsecondary level</b> authorized under the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2301 et seq.);</p> <p>(vii) activities authorized under chapter 2 of title II of the Trade Act of 1974 (19 U.S.C. 2271 et seq.);</p>

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<p>(ix) activities authorized under chapter 41 of title 38, United States Code;</p> <p>(x) employment and training activities carried out under the Community Services Block Grant Act (42 U.S.C. 9901 et seq.);</p> <p>(xi) employment and training activities carried out by the Department of Housing and Urban Development; and</p> <p>(xii) programs authorized under State unemployment compensation laws (in accordance with applicable Federal law).</p> <p>(v) programs authorized under section 403(a)(5) of the Social Security Act (42 U.S.C. 603(a)(5)) (as added by section 5001 of the Balanced Budget Act of 1997);</p>	<p>(viii) activities authorized under chapter 41 of title 38, United States Code;</p> <p>(ix) employment and training activities carried out under the Community Services Block Grant Act (42 U.S.C. 9901 et seq.);</p> <p>(x) employment and training activities carried out by the Department of Housing and Urban Development;</p> <p>(xi) programs authorized under State unemployment compensation laws (in accordance with applicable Federal law);</p> <p>(xii) programs authorized under section 212 of the Second Chance Act of 2007 (42 U.S.C. 17532); and</p> <p>(xiii) programs authorized under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.), subject to subparagraph (C).</p> <p>(C) DETERMINATION BY THE GOVERNOR.—</p> <p>(i) IN GENERAL.—An entity that carries out a program referred to in subparagraph (B)(xiii) shall be included in the one-stop partners for the local area, as a required partner, for purposes of this Act and the other core program provisions that are not part of this Act, unless the Governor provides the notification described in clause (ii).</p> <p>(ii) NOTIFICATION.—The notification referred to in clause (i) is a notification that—</p> <p>(I) is made in writing of a determination by the Governor not to include such entity in the one-stop partners described in clause (i); and</p> <p>(II) is provided to the Secretary of Labor (referred to in this subtitle, and</p>

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<p>(2) ADDITIONAL PARTNERS.--</p> <p>(A) IN GENERAL.--In addition to the entities described in paragraph (1), other entities that carry out a <del>human resource program</del> described in subparagraph (B) may--</p> <p>(i) make available to participants, through the one-stop delivery system, the services described in section 134(d)(2) that are applicable to such program; and</p> <p>(ii) participate in the operation of such system consistent with the terms of the memorandum described in subsection (c), and with the requirements of the Federal law in which the program is authorized; if the local board and chief elected official involved approve such participation.</p> <p>(B) PROGRAMS.--The programs referred to in subparagraph (A) may include--</p> <p>(i) programs authorized under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.);</p> <p>(ii) programs authorized under section 6(d)(4) of the Food Stamp Act of 1977 (7 U.S.C. 2015(d)(4));</p> <p>(iii) work programs authorized under section 6(o) of the Food Stamp Act of 1977 (7 U.S.C. 2015(o));</p>	<p>subtitles C through E, as the “Secretary”) and the Secretary of Health and Human Services.</p> <p>(2) ADDITIONAL PARTNERS.—</p> <p>(A) IN GENERAL.—With the approval of the local board and chief elected official, in addition to the entities described in paragraph (1), other entities that carry out workforce development programs described in subparagraph (B) may be one-stop partners for the local area and carry out the responsibilities described in paragraph (1)(A).</p> <p>(B) PROGRAMS.—The programs referred to in subparagraph (A) may include—</p> <p>(i) employment and training programs administered by the Social Security Administration, including the Ticket to Work and Self-Sufficiency Program established under section 1148 of the Social Security Act (42 U.S.C. 1320b-19);</p> <p>(ii) employment and training programs carried out by the Small Business Administration;</p> <p>(iii) programs authorized under section 6(d)(4) of the Food and Nutrition Act of 2008 (7 U.S.C. 2015(d)(4));</p> <p>(iv) work programs authorized under section 6(o) of the Food and Nutrition Act of 2008 (7 U.S.C. 2015(o));</p>

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<p>(iv) programs authorized under the National and Community Service Act of 1990 (42 U.S.C. 12501 et seq.); and</p> <p>(v) other appropriate Federal, State, or local programs, including programs in the private sector.</p> <p>(c) MEMORANDUM OF UNDERSTANDING.--</p> <p>(1) DEVELOPMENT.--The local board, with the agreement of the chief elected official, shall develop and enter into a memorandum of understanding (between the local board and the one- stop partners), consistent with paragraph (2), concerning the operation of the one-stop delivery system in the local area.</p> <p>(2) CONTENTS.--Each memorandum of understanding shall contain--</p> <p>(A) provisions describing--</p> <p>(i) the services to be provided through the one-stop delivery system;</p> <p>(ii) how the costs of such services and the operating costs of the system will be funded;</p>	<p>(v) programs carried out under section 112 of the Rehabilitation Act of 1973 (29 U.S.C. 732);</p> <p>(vi) programs authorized under the National and Community Service Act of 1990 (42 U.S.C. 12501 et seq.); and</p> <p>(vii) other appropriate Federal, State, or local programs, including employment, education, and training programs provided by public libraries or in the private sector.</p> <p>(c) Memorandum of Understanding.—</p> <p>(1) DEVELOPMENT.—The local board, with the agreement of the chief elected official, shall develop and enter into a memorandum of understanding (between the local board and the one-stop partners), consistent with paragraph (2), concerning the operation of the one-stop delivery system in the local area.</p> <p>(2) CONTENTS.—Each memorandum of understanding shall contain—</p> <p>(A) provisions describing—</p> <p>(i) the services to be provided through the one-stop delivery system consistent with the requirements of this section, including the manner in which the services will be coordinated and delivered through such system;</p> <p>(ii) how the costs of such services and the operating costs of such system will be funded, including—</p> <p>(I) funding through cash and in-kind contributions (fairly evaluated), which contributions may include funding from philanthropic organizations or other private entities, or through other alternative financing options, to provide a</p>

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<p>(iii) methods for referral of individuals between the one-stop operator and the one-stop partners, for the appropriate services and activities; and</p> <p>(iv) the duration of the memorandum and the procedures for amending the memorandum during the term of the memorandum; and</p> <p>(B) such other provisions, consistent with the requirements of this title, as the parties to the agreement determine to be appropriate.</p> <p>(d) ONE-STOP OPERATORS.--</p> <p>(1) DESIGNATION AND CERTIFICATION.--Consistent with paragraphs (2) and (3), the local board, with the agreement of the chief elected official, is authorized to designate or certify one-stop operators and to terminate for cause the eligibility of such operators.</p>	<p>stable and equitable funding stream for ongoing one-stop delivery system operations; and</p> <p>(II) funding of the infrastructure costs of one-stop centers in accordance with subsection (h);</p> <p>(iii) methods of referral of individuals between the one-stop operator and the one-stop partners for appropriate services and activities;</p> <p>(iv) methods to ensure the needs of workers and youth, and individuals with barriers to employment, including individuals with disabilities, are addressed in the provision of necessary and appropriate access to services, including access to technology and materials, made available through the one-stop delivery system; and</p> <p>(v) the duration of the memorandum of understanding and the procedures for amending the memorandum during the duration of the memorandum, and assurances that such memorandum shall be reviewed not less than once every 3-year period to ensure appropriate funding and delivery of services; and</p> <p>(B) such other provisions, consistent with the requirements of this title, as the parties to the agreement determine to be appropriate.</p> <p>(d) One-stop Operators. —</p> <p>(1) LOCAL DESIGNATION AND CERTIFICATION.—Consistent with paragraphs (2) and (3), the local board, with the agreement of the chief elected official, is authorized to designate or certify one-stop operators and to terminate for cause the eligibility of such operators.</p>

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<p>(2) ELIGIBILITY.--To be eligible to receive funds made available under this subtitle to operate a one-stop center referred to in section 134(c), an entity (which may be a consortium of entities)--</p> <p>(A) shall be designated or certified as a one-stop operator--</p> <p>(i) through a competitive process; <del>or</del></p> <p>(ii) in accordance with an agreement reached between the local board and a consortium of entities that, at a minimum, includes 3 or more of the one-stop partners described in subsection (b)(1); and</p> <p>(B) may be a public or private entity, or consortium of entities, of demonstrated effectiveness, located in the local area, which may include—</p> <p>(i) <del>a postsecondary educational institution</del>;</p> <p>(ii) an employment service agency established under the Wagner-Peyser Act (29 U.S.C. 49 et seq.), on behalf of the local office of the agency;</p> <p>(iii) <del>a private</del>, nonprofit organization (including a community based organization);</p> <p>(iv) a private for-profit entity;</p> <p>(v) a government agency; and</p> <p>(vi) another interested organization or entity, which may include a local chamber of commerce or other business organization.</p> <p>(3) EXCEPTION.--Elementary schools and secondary schools shall not be eligible for designation or certification as one-stop operators, except that nontraditional public secondary schools and area vocational education schools shall be eligible for such designation or certification.</p>	<p>(2) ELIGIBILITY.—To be eligible to receive funds made available under this subtitle to operate a one-stop center referred to in subsection (e), an entity (which may be a consortium of entities)—</p> <p>(A) shall be designated or certified as a one-stop operator through a competitive process; <b>and</b></p> <p>(B) shall be an entity (public, private, or nonprofit), or consortium of entities (including a consortium of entities that, at a minimum, includes 3 or more of the one-stop partners described in subsection (b)(1)), of demonstrated effectiveness, located in the local area, which may include—</p> <p>(i) an institution of higher education;</p> <p>(ii) an employment service State agency established under the Wagner-Peyser Act (29 U.S.C. 49 et seq.), on behalf of the local office of the agency;</p> <p>(iii) <b>a community-based organization</b>, nonprofit organization, or intermediary;</p> <p>(iv) a private for-profit entity;</p> <p>(v) a government agency; and</p> <p>(vi) another interested organization or entity, which may include a local chamber of commerce or other business organization, <b>or a labor organization.</b></p> <p>(3) EXCEPTION.—Elementary schools and secondary schools shall not be eligible for designation or certification as one-stop operators, except that nontraditional public secondary schools and area career and technical education schools may be eligible for such designation or</p>

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<p>(e) <b>ESTABLISHED ONE-STOP DELIVERY SYSTEM.</b>--If a one-stop delivery system has been established in a local area prior to the date of enactment of this Act, the local board, the chief elected official, and the Governor involved may agree to certify an entity carrying out activities through the system as a one-stop operator for purposes of subsection (d), consistent with the requirements of subsection (b), of the memorandum of understanding, and of section 134(c).</p>	<p>certification.</p> <p>(4) <b>ADDITIONAL REQUIREMENTS.</b>—The State and local boards shall ensure that in carrying out activities under this title, one-stop operators—</p> <p>(A) disclose any potential conflicts of interest arising from the relationships of the operators with particular training service providers or other service providers;</p> <p>(B) do not establish practices that create disincentives to providing services to individuals with barriers to employment who may require longer-term services, such as intensive employment, training, and education services; and</p> <p>(C) comply with Federal regulations, and procurement policies, relating to the calculation and use of profits.</p> <p>(e) <b>Establishment of One-stop Delivery System.</b>—</p> <p>(1) <b>IN GENERAL.</b>—There shall be established in each local area in a State that receives an allotment under section 132(b) a one-stop delivery system, which shall—</p> <p>(A) provide the career services described in section 134(c)(2);</p> <p>(B) provide access to training services as described in section 134(c)(3), including serving as the point of access to training services for participants in accordance with section 134(c)(3)(G);</p> <p>(C) provide access to the employment and training activities carried out under section 134(d), if any;</p> <p>(D) provide access to programs and activities carried out by one-stop partners described in subsection (b); and</p> <p>(E) provide access to the data, information, and analysis described in section 15(a) of the Wagner-Peyser Act (29 U.S.C. 491-2(a)) and all job search, placement, recruitment, and other labor exchange services authorized under the Wagner-Peyser Act (29 U.S.C. 49 et seq.).</p>

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	<p>(2) ONE-STOP DELIVERY.—The one-stop delivery system—</p> <p>(A) at a minimum, shall make each of the programs, services, and activities described in paragraph (1) accessible at not less than 1 physical center in each local area of the State; and</p> <p>(B) may also make programs, services, and activities described in paragraph (1) available—</p> <p>(i) through a network of affiliated sites that can provide 1 or more of the programs, services, and activities to individuals; and</p> <p>(ii) through a network of eligible one-stop partners—</p> <p>(I) in which each partner provides 1 or more of the programs, services, and activities to such individuals and is accessible at an affiliated site that consists of a physical location or an electronically or technologically linked access point; and</p> <p>(II) that assures individuals that information on the availability of the career services will be available regardless of where the individuals initially enter the statewide workforce development system, including information made available through an access point described in subclause (I);</p> <p>(C) may have specialized centers to address special needs, such as the needs of dislocated workers, youth, or key industry sectors or clusters; and</p> <p>(D) as applicable and practicable, shall make programs, services, and activities accessible to individuals through electronic means in a manner that improves efficiency, coordination, and quality in the delivery of one-stop partner services.</p>

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	<p>(3) COLOCATION OF WAGNER-PEYSER SERVICES.—Consistent with section 3(d) of the Wagner-Peyser Act (29 U.S.C. 49b(d)), and in order to improve service delivery, avoid duplication of services, and enhance coordination of services, including location of staff to ensure access to services in underserved areas, the employment service offices in each State shall be colocated with one-stop centers established under this title.</p> <p>(4) USE OF COMMON ONE-STOP DELIVERY SYSTEM IDENTIFIER.—In addition to using any State or locally developed identifier, each one-stop delivery system shall include in the identification of products, programs, activities, services, facilities, and related property and materials, a common one-stop delivery system identifier. The identifier shall be developed by the Secretary, in consultation with heads of other appropriate departments and agencies, and representatives of State boards and local boards and of other stakeholders in the one-stop delivery system, not later than the beginning of the second full program year after the date of enactment of this Act. Such common identifier may consist of a logo, phrase, or other identifier that informs users of the one-stop delivery system that such products, programs, activities, services, facilities, property, or materials are being provided through such system. Nothing in this paragraph shall be construed to prohibit one-stop partners, States, or local areas from having additional identifiers.</p> <p>(f) Application to Certain Vocational Rehabilitation Programs.—</p> <p>(1) LIMITATION.—Nothing in this section shall be construed to apply to part C of title I of the Rehabilitation Act of 1973 (29 U.S.C. 741).</p> <p>(2) CLIENT ASSISTANCE.—Nothing in this Act shall be construed to require that any entity carrying out a client assistance program authorized under section 112 of the Rehabilitation Act of 1973 (29 U.S.C.</p>

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	<p>732)—</p> <p>(A) be included as a mandatory one-stop partner under subsection (b)(1); or</p> <p>(B) if the entity is included as an additional one-stop partner under subsection (b)(2)—</p> <p>(i) violate the requirement of section 112(c)(1)(A) of that Act (29 U.S.C. 732(c)(1)(A)) that the entity be independent of any agency that provides treatment, services, or rehabilitation to individuals under that Act; or</p> <p>(ii) carry out any activity not authorized under section 112 of that Act (including appropriate Federal regulations).</p> <p>(g) Certification and Continuous Improvement of One-stop Centers.—</p> <p>(1) IN GENERAL.—In order to be eligible to receive infrastructure funding described in subsection (h), the State board, in consultation with chief elected officials and local boards, shall establish objective criteria and procedures for use by local boards in assessing at least once every 3 years the effectiveness, physical and programmatic accessibility in accordance with section 188, if applicable, and the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.), and continuous improvement of one-stop centers and the one-stop delivery system, consistent with the requirements of section 101(d)(6).</p> <p>(2) CRITERIA.—The criteria and procedures developed under this subsection shall include standards relating to service coordination achieved by the one-stop delivery system with respect to the programs administered by the one-stop partners at the one-stop centers. Such criteria and procedures shall—</p> <p>(A) be developed in a manner that is consistent with the guidelines, guidance, and policies provided by the Governor and by the State board, in consultation with the chief elected officials and local boards, for such partners’</p>

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	<p>participation under subsections (h)(1) and (i); and</p> <p>(B) include such factors relating to the effectiveness, accessibility, and improvement of the one-stop delivery system as the State board determines to be appropriate, including at a minimum how well the one-stop center—</p> <p>(i) supports the achievement of the negotiated local levels of performance for the indicators of performance described in section 116(b)(2) for the local area;</p> <p>(ii) integrates available services; and</p> <p>(iii) meets the workforce development and employment needs of local employers and participants.</p> <p>(3) LOCAL CRITERIA.—Consistent with the criteria developed under paragraph (1) by the State, a local board in the State may develop additional criteria (or higher levels of service coordination than required for the State-developed criteria) relating to service coordination achieved by the one-stop delivery system, for purposes of assessments described in paragraph (1), in order to respond to labor market, economic, and demographic, conditions and trends in the local area.</p> <p>(4) EFFECT OF CERTIFICATION.—One-stop centers certified under this subsection shall be eligible to receive the infrastructure funding described in subsection (h).</p> <p>(5) REVIEW AND UPDATE.—The criteria and procedures established under this subsection shall be reviewed and updated by the State board or the local board, as the case may be, as part of the biennial process for review and modification of State and local plans described in sections 102(c)(2) and</p>

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	<p><b>108(a).</b></p> <p><b>(h) Funding of One-stop Infrastructure. —</b></p> <p><b>(1) IN GENERAL. —</b></p> <p><b>(A) OPTIONS FOR INFRASTRUCTURE FUNDING. —</b></p> <p><b>(i) LOCAL OPTIONS. —</b>The local board, chief elected officials, and one-stop partners described in subsection (b)(1) in a local area may fund the costs of infrastructure of one-stop centers in the local area through —</p> <p><b>(I) methods agreed on by the local board, chief elected officials, and one-stop partners (and described in the memorandum of understanding described in subsection (c)); or</b></p> <p><b>(II) if no consensus agreement on methods is reached under subclause (I), the State infrastructure funding mechanism described in paragraph (2).</b></p> <p><b>(ii) FAILURE TO REACH CONSENSUS AGREEMENT ON FUNDING METHODS. —</b> Beginning July 1, 2016, if the local board, chief elected officials, and one-stop partners described in subsection (b)(1) in a local area fail to reach consensus agreement on methods of sufficiently funding the costs of infrastructure of one-stop centers for a program year, the State infrastructure funding mechanism described in paragraph (2) shall be applicable to such local area for that program year and for each subsequent program year for which those entities and individuals fail to reach such agreement.</p> <p><b>(B) GUIDANCE FOR INFRASTRUCTURE FUNDING. —</b>In addition to carrying out the requirements relating to the State infrastructure funding mechanism described in paragraph (2), the Governor, after consultation with chief elected officials, local boards, and the State board, and consistent with the guidance and policies provided by the State board under subparagraphs (B) and (C)(i) of section 101(d)(7), shall provide, for the use of local areas under</p>

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	<p>subparagraph (A)(i)(I)—</p> <p>(i) guidelines for State-administered one-stop partner programs, for determining such programs' contributions to a one-stop delivery system, based on such programs' proportionate use of such system consistent with chapter II of title 2, Code of Federal Regulations (or any corresponding similar regulation or ruling), including determining funding for the costs of infrastructure, which contributions shall be negotiated pursuant to the memorandum of understanding under subsection (c); and</p> <p>(ii) guidance to assist local boards, chief elected officials, and one-stop partners in local areas in determining equitable and stable methods of funding the costs of infrastructure of one-stop centers in such areas.</p> <p>(2) STATE ONE-STOP INFRASTRUCTURE FUNDING.—</p> <p>(A) DEFINITION.—In this paragraph, the term “covered portion”, used with respect to funding for a fiscal year for a program described in subsection (b)(1), means a portion determined under subparagraph (C) of the Federal funds provided to a State (including local areas within the State) under the Federal law authorizing that program described in subsection(b)(1) for the fiscal year (taking into account the availability of funding for purposes related to infrastructure from philanthropic organizations, private entities, or other alternative financing options).</p> <p>(B) PARTNER CONTRIBUTIONS.—Subject to subparagraph (D), for local areas in a State that are not covered by paragraph (1)(A)(i)(I), the covered portions of funding for a fiscal year shall be provided to the Governor from the programs described in subsection (b)(1), to assist in paying the costs of infrastructure of one-stop centers in those local areas of the State not</p>

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	<p>adequately funded under the option described in paragraph (1)(A)(i)(I).</p> <p>(C) DETERMINATION OF GOVERNOR.—</p> <p>(i) IN GENERAL.—Subject to clause (ii) and subparagraph (D), the Governor, after consultation with chief elected officials, local boards, and the State board, shall determine the portion of funds to be provided under subparagraph (B) by each one-stop partner from each program described in subparagraph (B). In making such determination for the purpose of determining funding contributions, for funding pursuant to clause (i)(II) or (ii) of paragraph (1)(A) by each partner, the Governor shall calculate amounts for the proportionate use of the one-stop centers in the State, consistent with chapter II of title 2, Code of Federal Regulations (or any corresponding similar regulation or ruling), taking into account the costs of administration of the one-stop delivery system for purposes not related to one-stop centers, for each partner. The Governor shall exclude from such determination of funds the amounts for proportionate use of one-stop centers attributable to the programs of one-stop partners for those local areas of the State where the costs of infrastructure of one-stop centers are funded under the option described in paragraph (1)(A)(i)(I). The Governor shall also take into account the statutory requirements for each partner program and the partner program's ability to fulfill such requirements.</p> <p>(ii) SPECIAL RULE.—In a State in which the State constitution or a State statute places policymaking authority that is independent of the authority of the Governor in an entity or official with respect to the funds provided for adult education and literacy activities authorized under title II, postsecondary career and technical education activities authorized under the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2301 et seq.), or vocational rehabilitation services</p>

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	<p>offered under a provision covered by section 3(13)(D), the determination described in clause (i) with respect to the programs authorized under that title, Act, or provision shall be made by the chief officer of the entity, or the official, with such authority in consultation with the Governor.</p> <p>(D) LIMITATIONS.—</p> <p>(i) PROVISION FROM ADMINISTRATIVE FUNDS.—</p> <p>(I) IN GENERAL.—Subject to subclause (II), the funds provided under this paragraph by each one-stop partner shall be provided only from funds available for the costs of administration under the program administered by such partner, and shall be subject to the program's limitations with respect to the portion of funds under such program that may be used for administration.</p> <p>(II) EXCEPTIONS.—Nothing in this clause shall be construed to apply to the programs carried out under this title, or under title V of the Older Americans Act of 1965 (42 U.S.C. 3056 et seq.).</p> <p>(ii) CAP ON REQUIRED CONTRIBUTIONS.—For local areas in a State that are not covered by paragraph (1)(A)(i)(I), the following rules shall apply:</p> <p>(I) WIA FORMULA PROGRAMS AND EMPLOYMENT SERVICE.—The portion of funds required to be contributed under this paragraph from a program authorized under chapter 2 or 3, or the Wagner-Peyser Act (29 U.S.C. 49 et seq.) shall not exceed 3 percent of the amount of Federal funds provided to carry out that program in the State for a fiscal year.</p> <p>(II) OTHER ONE-STOP PARTNERS.—The portion of funds required to be contributed under this paragraph from a program described in</p>

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	<p>subsection (b)(1) other than the programs described in subclause (I) shall not exceed 1.5 percent of the amount of Federal funds provided to carry out that program in the State for a fiscal year.</p> <p>(III) VOCATIONAL REHABILITATION.—Notwithstanding subclauses (I) and (II), an entity administering a program described in subsection (b)(1)(B)(iv) shall not be required to provide from that program, under this paragraph, a portion that exceeds—</p> <p>(aa) 0.75 percent of the amount of Federal funds provided to carry out such program in the State for the second full program year that begins after the date of enactment of this Act;</p> <p>(bb) 1.0 percent of the amount provided to carry out such program in the State for the third full program year that begins after such date;</p> <p>(cc) 1.25 percent of the amount provided to carry out such program in the State for the fourth full program year that begins after such date; and</p> <p>(dd) 1.5 percent of the amount provided to carry out such program in the State for the fifth and each succeeding full program year that begins after such date.</p> <p>(iii) FEDERAL DIRECT SPENDING PROGRAMS.—For local areas in a State that are not covered by paragraph (1)(A)(i)(I), an entity administering a program funded with direct spending as defined in section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985, as in effect on February 15, 2014 (2 U.S.C. 900(c)(8)) shall not be required to provide, for purposes of this paragraph, an amount in excess of the amount determined under subparagraph (C)(i) to be equivalent to the cost of the proportionate use of the one-stop centers for the one-stop partner for such program in the State.</p> <p>(iv) NATIVE AMERICAN PROGRAMS.—One-stop partners for Native American</p>

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	<p>programs established under section 166 shall not be subject to the provisions of this subsection (other than this clause) or subsection (i). For purposes of subsection (c)(2)(A)(ii)(II), the method for determining the appropriate portion of funds to be provided by such partners to pay for the costs of infrastructure of a one-stop center shall be determined as part of the development of the memorandum of understanding under subsection (c) for the one-stop center and shall be stated in the memorandum.</p> <p>(E) APPEAL BY ONE-STOP PARTNERS.—The Governor shall establish a process, described under section 102(b)(2)(D)(i)(IV), for a one-stop partner administering a program described in subsection (b)(1) to appeal a determination regarding the portion of funds to be provided under this paragraph. Such a determination may be appealed under the process on the basis that such determination is inconsistent with the requirements of this paragraph. Such process shall ensure prompt resolution of the appeal in order to ensure the funds are distributed in a timely manner, consistent with the requirements of section 182(e).</p> <p>(3) ALLOCATION BY GOVERNOR.—</p> <p>(A) IN GENERAL.—From the funds provided under paragraph (1), the Governor shall allocate the funds to local areas described in subparagraph (B) in accordance with the formula established under subparagraph (B) for the purposes of assisting in paying the costs of infrastructure of one-stop centers.</p> <p>(B) ALLOCATION FORMULA.—The State board shall develop a formula to be used by the Governor to allocate the funds provided under paragraph (1) to local areas not funding costs of infrastructure under the option described in paragraph (1)(A)(i)(I). The formula shall be based on factors</p>

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	<p>including the number of one-stop centers in a local area, the population served by such centers, the services provided by such centers, and other factors relating to the performance of such centers that the State board determines are appropriate.</p> <p>(4) COSTS OF INFRASTRUCTURE.—In this subsection, the term “costs of infrastructure”, used with respect to a one-stop center, means the nonpersonnel costs that are necessary for the general operation of the one-stop center, including the rental costs of the facilities, the costs of utilities and maintenance, equipment (including assessment-related products and assistive technology for individuals with disabilities), and technology to facilitate access to the one-stop center, including the center’s planning and outreach activities.</p> <p>(i) Other Funds.—</p> <p>(1) IN GENERAL.—Subject to the memorandum of understanding described in subsection (c) for the one-stop delivery system involved, in addition to the funds provided to carry out subsection (h), a portion of funds made available under Federal law authorizing the programs described in subsection (b) and administered by one-stop partners, or the noncash resources available under such programs, shall be used to pay the additional costs relating to the operation of the one-stop delivery system that are not paid from the funds provided under subsection (h), as determined in accordance with paragraph (3), to the extent not inconsistent with the Federal law involved. Such costs shall include the costs of the provision of career services described in section 134(c)(2) applicable to each program and may include common costs that are not paid from the funds provided under subsection(h).</p> <p>(2) SHARED SERVICES.—The costs described under paragraph (1) may include</p>

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	<p>costs of services that are authorized for and may be commonly provided through the one-stop partner programs to any individual, such as initial intake, assessment of needs, appraisal of basic skills, identification of appropriate services to meet such needs, referrals to other one-stop partners, and other similar services.</p> <p>(3) DETERMINATION AND GUIDANCE.—The method for determining the appropriate portion of funds and noncash resources to be provided by the one-stop partner for each program under paragraph (1) for a one-stop center shall be determined as part of the development of the memorandum of understanding under subsection (c) for the one-stop center and shall be stated in the memorandum. The State board shall provide guidance to facilitate the determination, for purposes of the memorandum of understanding, of an appropriate allocation of the funds and noncash resources in local areas, consistent with the requirements of section 101(d)(6)(C).</p>
<p>SEC. 122. IDENTIFICATION OF ELIGIBLE PROVIDERS OF TRAINING SERVICES.</p> <p>(a) ELIGIBILITY REQUIREMENTS.--</p> <p>(1) <del>IN GENERAL.--Except as provided in subsection (h), to be identified as an eligible provider of training services described in section 134(d)(4) (referred to in this section as "training services") in a local area and to be eligible to receive funds made available under section 133(b) for the provisions of training services, a provider of such services shall meet the requirements of this section.</del></p> <p>(2) PROVIDERS.--Subject to the provisions of this section, to be eligible to receive the funds, the provider shall be—</p>	<p>SEC. 122. IDENTIFICATION OF ELIGIBLE PROVIDERS OF TRAINING SERVICES.</p> <p>(a) Eligibility.—</p> <p>(1) IN GENERAL.—Except as provided in subsection (h), the Governor, after consultation with the State board, shall establish criteria, information requirements, and procedures regarding the eligibility of providers of training services to receive funds provided under section 133(b) for the provision of training services in local areas in the State.</p> <p>(2) PROVIDERS.—Subject to the provisions of this section, to be eligible to receive those funds for the provision of training services, the provider shall be—</p>

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<p>(A) a postsecondary educational institution that—</p> <p>(i) is eligible to receive Federal funds under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.); and</p> <p>(ii) provides a program that leads to an associate degree, baccalaureate degree, or certificate;</p> <p>(B) an entity that carries out programs under the Act of August 16, 1937 (commonly known as the "National Apprenticeship Act"; 50 Stat. 664, chapter 663; 29 U.S.C. 50 et seq.); or</p> <p>(C) another public or private provider of a program of training services.</p> <p>(c) SUBSEQUENT ELIGIBILITY DETERMINATIONS</p> <p>(4) CONSIDERATIONS.--In developing such procedure, the Governor shall ensure that the procedure requires the local boards to take into consideration, in making the determinations of subsequent eligibility—</p> <p>(A) the specific economic, geographic, and demographic factors in the local areas in which providers seeking eligibility are located; and</p>	<p>(A) an institution of higher education that provides a program that leads to a recognized postsecondary credential;</p> <p>(B) an entity that carries out programs registered under the Act of August 16, 1937 (commonly known as the "National Apprenticeship Act"; 50 Stat. 664, chapter 663; 29 U.S.C. 50 et seq.); or</p> <p>(C) another public or private provider of a program of training services, which may include joint labor-management organizations, and eligible providers of adult education and literacy activities under title II if such activities are provided in combination with occupational skills training.</p> <p>(3) INCLUSION IN LIST OF ELIGIBLE PROVIDERS.—A provider described in subparagraph (A) or (C) of paragraph (2) shall comply with the criteria, information requirements, and procedures established under this section to be included on the list of eligible providers of training services described in subsection (d). A provider described in paragraph (2)(B) shall be included and maintained on the list of eligible providers of training services described in subsection (d) for so long as the corresponding program of the provider remains registered as described in paragraph (2)(B).</p> <p>(b) Criteria and Information Requirements.—</p> <p>(1) STATE CRITERIA.—In establishing criteria pursuant to subsection</p> <p>(a), the Governor shall take into account each of the following:</p> <p>(A) The performance of providers of training services with respect to—</p>

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(B) the characteristics of the populations served by providers seeking eligibility, including the demonstrated difficulties in serving such populations, where applicable.	<p>(i) the performance accountability measures and other matters for which information is required under paragraph (2); and</p> <p>(ii) other appropriate measures of performance outcomes determined by the Governor for those participants receiving training services under this subtitle (taking into consideration the characteristics of the population served and relevant economic conditions), and the outcomes of the program through which those training services were provided for students in general with respect to employment and earnings as defined under section 116(b)(2).</p> <p>(B) The need to ensure access to training services throughout the State, including in rural areas, and through the use of technology.</p> <p>(C) Information reported to State agencies with respect to Federal and State programs involving training services (other than the program carried out under this subtitle), including one-stop partner programs.</p> <p>(D) The degree to which the training programs of such providers relate to in-demand industry sectors and occupations in the State.</p> <p>(E) The requirements for State licensing of providers of training services, and the licensing status of providers of training services if applicable.</p> <p>(F) Ways in which the criteria can encourage, to the extent practicable, the providers to use industry-recognized certificates or certifications.</p> <p>(G) The ability of the providers to offer programs that lead to recognized postsecondary credentials.</p>

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<p>(c) SUBSEQUENT ELIGIBILITY DETERMINATIONS</p> <p>(5) REQUIREMENTS.--In establishing the procedure, the Governor shall require that, to be eligible to continue to receive funds as described in subsection (a) for a program after the initial period of eligibility, a provider described in subsection (a)(2) shall—</p> <p>(B) annually meet the performance levels described in paragraph (6) for the program, as demonstrated utilizing quarterly records described in section 136, in a manner consistent with section 136</p>	<p>(H) The quality of a program of training services, including a program of training services that leads to a recognized postsecondary credential.</p> <p>(I) The ability of the providers to provide training services to individuals who are employed and individuals with barriers to employment.</p> <p>(J) Such other factors as the Governor determines are appropriate to ensure—</p> <p>(i) the accountability of the providers;</p> <p>(ii) that the one-stop centers in the State will ensure that such providers meet the needs of local employers and participants;</p> <p>(iii) the informed choice of participants among training services providers; and</p> <p>(iv) that the collection of information required to demonstrate compliance with the criteria is not unduly burdensome or costly to providers.</p> <p>(2) STATE INFORMATION REQUIREMENTS.—The information requirements established by the Governor shall require that a provider of training services submit appropriate, accurate, and timely information to the State, to enable the State to carry out subsection (d), with respect to participants receiving training services under this subtitle in the applicable program, including—</p> <p>(A) information on the performance of the provider with respect to the performance accountability measures described in section 116 for such participants (taking into consideration the characteristics of the population served and relevant economic conditions), and information specifying the percentage of such participants who entered unsubsidized employment in an occupation related to the program, to the extent practicable;</p>

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<p>(c) SUBSEQUENT ELIGIBILITY DETERMINATION</p> <p>(6) LEVELS OF PERFORMANCE.—</p> <p>(A) IN GENERAL.--At a minimum, the procedure described in paragraph (1) shall require the provider to meet minimum acceptable levels of performance based on the performance information referred to in paragraph (5)(A).</p> <p>(B) HIGHER LEVELS OF PERFORMANCE ELIGIBILITY.--The local board may require higher levels of performance than the levels referred to in subparagraph (A) for subsequent eligibility to receive funds as described in subsection (a).</p>	<p>(B) information on recognized postsecondary credentials received by such participants; [REDACTED]</p> <p>(C) information on cost of attendance, including costs of tuition and fees, for participants in the program; [REDACTED]</p> <p>(D) information on the program completion rate for such participants; and</p> <p>(E) information on the criteria described in paragraph (1).</p> <p>(3) LOCAL CRITERIA AND INFORMATION REQUIREMENTS.—A local board in the State may establish criteria and information requirements in addition to the criteria and information requirements established by the Governor, or may require higher levels of performance than required for the criteria established by the Governor, for purposes of determining the eligibility of providers of training services to receive funds described in subsection (a) for the provision of training services in the local area involved.</p> <p>(4) CRITERIA AND INFORMATION REQUIREMENTS TO ESTABLISH INITIAL ELIGIBILITY.— [REDACTED]</p> <p>(A) PURPOSE.—The purpose of this paragraph is to enable the providers of programs carried out under chapter 3 to offer the highest quality training services and be responsive to in-demand and emerging industries by providing training services for those industries.</p> <p>[REDACTED]</p> <p>(B) INITIAL ELIGIBILITY.—Providers may seek initial eligibility under this paragraph as providers of training services and may receive that initial eligibility for only 1 fiscal year for a particular program. The criteria and information requirements established by the Governor under this</p>

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<p>(d) PERFORMANCE AND COST INFORMATION.--</p> <p>(1) REQUIRED INFORMATION.--For a provider of training services to be determined to be subsequently eligible under subsection (c) to receive funds as described in subsection (a), such provider shall, under subsection (c), submit—</p> <p>(A) verifiable program-specific performance information consisting of—</p> <p>(i) program information, including--</p> <p>(I) the program completion rates for all individuals participating in the applicable program conducted by the provider;</p> <p>(II) the percentage of all individuals participating in the applicable program who obtain unsubsidized employment, which may also include information specifying the percentage of the individuals who obtain unsubsidized employment in an occupation related to the program conducted; and</p> <p>(III) the wages at placement in employment of all individuals participating in the applicable program; and</p> <p><del>(ii) training services information for all participants who received assistance under section 134 to participate in the applicable program, including—</del></p> <p><del>-(I) the percentage of participants who have completed the applicable program and who are placed in unsubsidized employment;</del></p> <p><del>-(II) the retention rates in unsubsidized employment of participants who</del></p>	<p>paragraph shall require that a provider who has not previously been an eligible provider of training services under this section (or section 122 of the Workforce Investment Act of 1998, as in effect on the day before the date of enactment of this Act) provide the information described in subparagraph (C).</p> <p>(C) INFORMATION.—The provider shall provide verifiable program-specific performance information based on criteria established by the State as described in subparagraph (D) that supports the provider’s ability to serve participants under this subtitle.</p> <p>(D) CRITERIA.—The criteria described in subparagraph (C) shall include at least—</p> <p>(i) a factor related to indicators described in section 116;</p> <p>(ii) a factor concerning whether the provider is in a partnership with business;</p> <p>(iii) other factors that indicate high-quality training services, including the factor described in paragraph (1)(H); and</p> <p>(iv) a factor concerning alignment of the training services with in-demand industry sectors and occupations, to the extent practicable.</p> <p>(E) PROVISION.—The provider shall provide the information described in subparagraph (C) to the Governor and the local board in a manner that will permit the Governor and the local board to make a decision on inclusion of the provider on the list of eligible providers described in subsection (d).</p> <p>(F) LIMITATION.—A provider that receives initial eligibility under this paragraph for a program shall be subject to the requirements under</p>

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<p><del>have completed the applicable program, 6 months after the first day of the employment;</del></p> <p><del>(III) the wages received by participants who have completed the applicable program, 6 months after the first day of the employment involved; and</del></p> <p><del>(IV) where appropriate, the rates of licensure or certification, attainment of academic degrees or equivalents, or attainment of other measures of skills, of the graduates of the applicable program; and</del></p> <p><del>(B) information on program costs (such as tuition and fees) for participants in the applicable program.</del></p> <p><del>(2) ADDITIONAL INFORMATION.—Subject to paragraph (3), in addition to the performance information described in paragraph (1)—</del></p> <p><del>(A) the Governor may require that a provider submit, under subsection (c), such other verifiable program-specific performance information as the Governor determines to be appropriate to obtain such subsequent eligibility, which may include information relating to—</del></p> <p><del>(i) retention rates in employment and the subsequent wages of all individuals who complete the applicable program;</del></p> <p><del>(ii) where appropriate, the rates of licensure or certification of all individuals who complete the program; and</del></p> <p><del>(iii) the percentage of individuals who complete the program who attain industry-recognized occupational skills in the subject, occupation, or industry for which training is provided through the program, where applicable; and</del></p> <p><del>(B) the Governor, or the local board, may require a provider to submit, under subsection (c), other verifiable program-specific performance information to obtain such subsequent</del></p>	<p>subsection (c) for that program after such initial eligibility expires.</p>

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<p><del>eligibility--</del></p> <p><del>(c) SUBSEQUENT ELIGIBILITY DETERMINATION.--</del> <del>(1) PROCEDURE.--Each Governor of a State shall establish a procedure for use by local boards in the State in determining the eligibility of a provider described in subsection (a)(2) to continue to receive funds as described in subsection (a) for a program after an initial period of eligibility under subsection (b) (referred to in this section as "subsequent eligibility").</del></p> <p><del>(g) APPEAL.--The Governor shall establish procedures for providers of training services to appeal a denial of eligibility by the local board or the designated State agency under subsection (b), (c), or (e), a termination of eligibility or other action by the board or agency under subsection (f ), or a denial of eligibility by a one-stop operator under subsection (h). Such procedures shall provide an opportunity for a hearing and prescribe appropriate time limits to ensure prompt resolution of the appeal.</del></p> <p><del>(e) LOCAL IDENTIFICATION.--</del> <del>(1) IN GENERAL.--The local board shall place on a list providers submitting an application under subsection (b)(1) and providers determined to be initially eligible under subsection (b)(2), and retain on the list providers determined to be subsequently eligible under subsection (c), to receive funds as described in subsection (a) for the provision of training services in the local area served by the local board. The list of providers shall be accompanied by any performance</del></p>	<p>(c) Procedures.— (1) APPLICATION PROCEDURES.—The procedures established under subsection (a) shall identify the application process for a provider of training services to become eligible to receive funds provided under section 133(b) for the provision of training services. The procedures shall identify the respective roles of the State and local areas in receiving and reviewing the applications and in making determinations of such eligibility based on the criteria, information, and procedures established under this section.</p> <p>The procedures shall also establish a process for a provider of training services to appeal a denial or termination of eligibility under this section that includes an opportunity for a hearing and prescribes appropriate time limits to ensure prompt resolution of the appeal.</p> <p>(2) RENEWAL PROCEDURES.—The procedures established by the Governor shall also provide for biennial review and renewal of eligibility under this section for providers of training services.</p> <p>(d) List and Information to Assist Participants in Choosing Providers.— (1) IN GENERAL.—In order to facilitate and assist participants in choosing employment and training activities and in choosing providers of training services, the Governor shall ensure that an appropriate list of providers determined to be eligible under this section to offer a program in the State (and, as appropriate, in a local area), accompanied by information identifying the recognized postsecondary credential offered by the provider</p>

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<p>information and program cost information submitted under subsection (b) or (c) by the provider.</p> <p><del>(2) SUBMISSION TO STATE AGENCY.—On placing or retaining a provider on the list, the local board shall submit, to the designated State agency described in subsection (i), the list and the performance information and program cost information referred to in paragraph (1). If the agency determines, within 30 days after the date of the submission, that the provider does not meet the performance levels described in subsection (c)(6) for the program (where applicable), the agency may remove the provider from the list for the program. The agency may not remove from the list an agency submitting an application under subsection (b)(1).</del></p> <p><del>(3) IDENTIFICATION OF ELIGIBLE PROVIDERS.—A provider who is placed or retained on the list under paragraph (1), and is not removed by the designated State agency under paragraph (2), for a program, shall be considered to be identified as an eligible provider of training services for the program.</del></p> <p>(4) AVAILABILITY.--</p> <p>(A) STATE LIST.--The designated State agency shall compile a single list of the providers identified under paragraph (3) from all local areas in the State and disseminate such list, and the performance information and program cost information described in paragraph (1), to the one-stop delivery systems within the State. Such list and information shall be made widely available to participants in employment and training activities authorized under section 134 and others through the one-stop delivery system.</p>	<p>and other appropriate information, is prepared. The list shall be provided to the local boards in the State, and made available to such participants and to members of the public through the one-stop delivery system in the State.</p> <p>(2) ACCOMPANYING INFORMATION.—The accompanying information shall—</p> <p>(A) with respect to providers described in subparagraphs (A) and (C) of subsection (a)(2), consist of information provided by such providers, disaggregated by local areas served, as applicable, in accordance with subsection (b);</p> <p>(B) with respect to providers described in subsection (b)(4), consist of information provided by such providers in accordance with subsection (b)(4); and</p> <p>(C) such other information as the Governor determines to be appropriate.</p> <p>(3) AVAILABILITY.—The list and the accompanying information shall be made available to such participants and to members of the public through the one-stop delivery system in the State, in a manner that does not reveal personally identifiable information about an individual participant.</p>

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<p>(B) SELECTION FROM STATE LIST.--Individuals eligible to receive training services under section 134(d)(4) shall have the opportunity to select any of the eligible providers, from any of the local areas in the State, that are included on the list described in subparagraph (A) to provide the services, consistent with the requirements of section 134.</p> <p>(b) INITIAL ELIGIBILITY DETERMINATION.—</p> <p>(B) RECOMMENDATIONS.--In developing such procedure, the Governor shall solicit and take into consideration the recommendations of local boards and providers of training services within the State.</p> <p>(C) OPPORTUNITY TO SUBMIT COMMENTS.--The Governor shall provide an opportunity, during the development of the procedure, for interested members of the public, including representatives of business and labor organizations, to submit comments on such procedure.</p> <p>(c) SUBSEQUENT ELIGIBILITY DETERMINATIONS</p> <p>(2) RECOMMENDATIONS.--In developing such procedure, the Governor shall solicit and take into consideration the recommendations of local boards and providers of training services within the State.</p> <p>(3) OPPORTUNITY TO SUBMIT COMMENTS.--The Governor shall provide an opportunity, during the development of the procedure, for interested members of the public, including representatives of business and labor</p>	<p>(4) LIMITATION.—In carrying out the requirements of this subsection, no personally identifiable information regarding a student, including a Social Security number, student identification number, or other identifier, may be disclosed without the prior written consent of the parent or student in compliance with section 444 of the General Education Provisions Act (20 U.S.C. 1232g).</p> <p>(e) Opportunity to Submit Comments.—In establishing, under this section, criteria, information requirements, procedures, and the list of eligible providers described in subsection (d), the Governor shall provide an opportunity for interested members of the public to make recommendations and submit comments regarding such criteria, information requirements, procedures, and list.</p>

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<p>organizations, to submit comments on such procedure.</p> <p><del>(b) INITIAL ELIGIBILITY DETERMINATION.—</del> <del>(1) POSTSECONDARY EDUCATIONAL INSTITUTIONS AND ENTITIES CARRYING OUT APPRENTICESHIP PROGRAMS.—To be initially eligible to receive funds as described in subsection (a) to carry out a program described in subparagraph (A) or (B) of subsection (a)(2), a provider described in subparagraph (A) or (B), respectively, of subsection (a)(2) shall submit an application, to the local board for the local area in which the provider desires to provide training services, at such time, in such manner, and containing such information as the local board may require.—</del></p> <p><del>(2) OTHER ELIGIBLE PROVIDERS.—</del> <del>(A) PROCEDURE.—Each Governor of a State shall establish a procedure for use by local boards in the State in determining the initial eligibility of a provider described in subsection (a)(2)(C) to receive funds as described in subsection (a) for a program of training services, including the initial eligibility of—</del> <del>(i) a postsecondary educational institution to receive such funds for a program not described in subsection (a)(2)(A); and</del> <del>(ii) a provider described in subsection (a)(2)(B) to receive such funds for a program not described in subsection (a)(2)(B).</del></p> <p><b>(B) RECOMMENDATIONS (CORRESPONDS TO ANOTHER PART IN THIS SECTION)</b></p> <p><b>(C) OPPORTUNITY TO SUBMIT COMMENTS.—(CORRESPONDS TO ANOTHER PART IN THIS SECTION)</b></p>	

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<p><del>(D) REQUIREMENTS.—In establishing the procedure, the Governor shall require that, to be initially eligible to receive funds as described in subsection (a) for a program, a provider described in subsection (a)(2)(C)—</del></p> <p><del>(i) shall submit an application, to the local board for the local area in which the provider desires to provide training services, at such time and in such manner as may be required, and containing a description of the program;</del></p> <p><del>(ii) if the provider provides training services through a program on the date of application, shall include in the application an appropriate portion of the performance information and program cost information described in subsection (d) for the program, as specified in the procedure, and shall meet appropriate levels of performance for the program, as specified in the procedure; and</del></p> <p><del>(iii) if the provider does not provide training services on such date, shall meet appropriate requirements, as specified in the procedure.—</del></p> <p>(c) SUBSEQUENT ELIGIBILITY DETERMINATION.--</p> <p>(1) PROCEDURE.— <b>(CORRESPONDS TO ANOTHER PART IN THIS SECTION)</b></p> <p>(2) RECOMMENDATIONS <b>(CORRESPONDS TO ANOTHER PART IN THIS SECTION)</b></p> <p>(3) OPPORTUNITY TO SUBMIT COMMENTS <b>(CORRESPONDS TO ANOTHER PART IN THIS SECTION)</b></p> <p>(4) CONSIDERATIONS.<b>(CORRESPONDS TO ANOTHER PART IN THIS SECTION)</b></p> <p>(5) REQUIREMENTS <b>(CORRESPONDS TO ANOTHER PART IN THIS SECTION)</b></p>	

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<p>(6) LEVELS OF PERFORMANCE.-- <b>(CORRESPONDS TO ANOTHER PART IN THIS SECTION)</b></p> <p>(d) PERFORMANCE AND COST INFORMATION.-- <b>(CORRESPONDS TO ANOTHER PART IN THIS SECTION)</b></p> <p><del>(3) CONDITIONS.--</del> <del>(A) IN GENERAL.--If the Governor or a local board requests additional information under paragraph (2) that imposes extraordinary costs on providers, or if providers experience extraordinary costs in the collection of information required under paragraph (1)(A)(ii), the Governor or the local board shall provide access to cost-effective methods for the collection of the information involved, or the Governor shall provide additional resources to assist providers in the collection of such information from funds made available as described in sections 128(a) and 133(a)(1), as appropriate.</del></p> <p><del>(B) HIGHER EDUCATION ELIGIBILITY REQUIREMENTS.--The local board and the designated State agency described in subsection (i) may accept program-specific performance information consistent with the requirements for eligibility under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.) from a provider for purposes of enabling the provider to fulfill the applicable requirements of this subsection, if such information is substantially similar to the information otherwise required under this subsection.</del></p> <p>(e) LOCAL IDENTIFICATION.<b>(CORRESPONDS TO ANOTHER PART IN THIS SECTION)</b></p>	

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<p>(5) ACCEPTANCE OF INDIVIDUAL TRAINING ACCOUNTS BY OTHER STATES.— <b>(CORRESPONDS TO ANOTHER PART IN THIS SECTION)</b></p> <p>(f ) ENFORCEMENT.—</p> <p>(1) ACCURACY OF INFORMATION.--If the designated State agency, after consultation with the local board involved, determines that an eligible provider or individual supplying information on behalf of the provider intentionally supplies inaccurate information under this section, the agency shall terminate the eligibility of the provider to receive funds described in subsection (a) for any program for a period of time, but not less than 2 years.</p> <p>(2) NONCOMPLIANCE.--If the designated State agency, or the local board working with the State agency,determines that an eligible provider described in subsection (a) substantially violates any requirement under this Act, the agency, or the local board working with the State agency, may terminate the eligibility of such provider to receive funds described in subsection (a) for the program involved or take such other action as the agency or local board determines to be appropriate.</p> <p>(3) REPAYMENT.--A provider whose eligibility is terminated under paragraph (1) or (2) for a program shall be liable for repayment of all funds described in subsection (a) received for the program during any period of noncompliance described in such paragraph.</p>	<p>(f) Enforcement.—</p> <p>(1) IN GENERAL.—The procedures established under this section shall provide the following:</p> <p>(A) INTENTIONALLY SUPPLYING INACCURATE INFORMATION.— Upon a determination, by an individual or entity specified in the procedures, that a provider of training services, or individual providing information on behalf of the provider, violated this section (or section 122 of the Workforce Investment Act of 1998, as in effect on the day before the date of enactment of this Act) by intentionally supplying inaccurate information under this section, the eligibility of such provider to receive funds under chapter 3 shall be terminated for a period of time that is not less than 2 years.</p> <p>(B) SUBSTANTIAL VIOLATIONS.—Upon a determination, by an individual or entity specified in the procedures, that a provider of training services substantially violated any requirement under this title (or title I of the Workforce Investment Act of 1998, as in effect on the day before such date of enactment), the eligibility of such provider to receive funds under chapter 3 for the program involved shall be terminated for a period of not less than 2 years.</p> <p>(C) REPAYMENT.—A provider of training services whose eligibility is terminated under subparagraph (A) or (B) shall be liable for the repayment of funds received under chapter 5 of subtitle B of title I of the Workforce Investment Act of 1998, as in effect on the day before such date of enactment,</p>

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<p>(4) CONSTRUCTION.--This subsection and subsection (g) shall be construed to provide remedies and penalties that supplement, but do not supplant, other civil and criminal remedies and penalties.</p> <p>(g) APPEAL(CORRESPONDS TO ANOTHER PART IN THIS SECTION)</p> <p>(5) ACCEPTANCE OF INDIVIDUAL TRAINING ACCOUNTS BY OTHER STATES.--States may enter into agreements, on a reciprocal basis, to permit eligible providers of training services in a State to accept individual training accounts provided in another State.</p> <p>(h) ON-THE-JOB TRAINING OR CUSTOMIZED TRAINING EXCEPTION.—</p> <p>(1) IN GENERAL.--Providers of on-the-job training or customized training shall not be subject to the requirements of subsections (a) through (e).</p> <p>(2) COLLECTION AND DISSEMINATION OF INFORMATION.--A one-stop operator in a local area shall collect such performance information from on-the-job training and customized training providers as the Governor may require, determine whether the providers meet such performance criteria as the Governor may require, and disseminate information identifying providers that meet the criteria as eligible providers, and the performance information, through the one-stop delivery system. Providers determined to meet the criteria shall be</p>	<p>or chapter 3 of this subtitle during a period of violation described in such subparagraph.</p> <p>(2) CONSTRUCTION.—Paragraph (1) shall be construed to provide remedies and penalties that supplement, but shall not supplant, civil and criminal remedies and penalties specified in other provisions of law.</p> <p>(g) Agreements With Other States.—States may enter into agreements, on a reciprocal basis, to permit eligible providers of training services to accept individual training accounts provided in another State.</p> <p>(h) On-the-job Training, Customized Training, Incumbent Worker Training, and Other Training Exceptions.—</p> <p>(1) IN GENERAL.—Providers of on-the-job training, customized training, incumbent worker training, internships, and paid or unpaid work experience opportunities, or transitional employment shall not be subject to the requirements of subsections (a) through (f).</p> <p>(2) COLLECTION AND DISSEMINATION OF INFORMATION.—A one-stop operator in a local area shall collect such performance information from providers of on-the-job training, customized training, incumbent worker training, internships, paid or unpaid work experience opportunities, and transitional employment as the Governor may require, and use the information to determine whether the providers meet such performance criteria as the Governor may require. The one-stop operator shall disseminate information identifying such</p>

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<p>considered to be identified as eligible providers of training services.</p> <p><del>(i) ADMINISTRATION.—The Governor shall designate a State agency to make the determinations described in subsection (e)(2), take the enforcement actions described in subsection (f), and carry out other duties described in this section.</del></p>	<p>providers that meet the criteria as eligible providers, and the performance information, through the one-stop delivery system. Providers determined to meet the criteria shall be considered to be identified as eligible providers of training services.</p> <p>(i) Transition Period for Implementation.—The Governor and local boards shall implement the requirements of this section not later than 12 months after the date of enactment of this Act. In order to facilitate early implementation of this section, the Governor may establish transition procedures under which providers eligible to provide training services under chapter 5 of subtitle B of title I of the Workforce Investment Act of 1998, as such chapter was in effect on the day before the date of enactment of this Act, may continue to be eligible to provide such services until December 31, 2015, or until such earlier date as the Governor determines to be appropriate.</p>
<p><del>SEC. 123. IDENTIFICATION OF ELIGIBLE PROVIDERS OF YOUTH ACTIVITIES. From funds allocated under paragraph (2)(A) or (3) of section 128(b) to a local area, the local board for such area shall identify eligible providers of youth activities by awarding grants or contracts on a competitive basis, based on the recommendations of the youth council and on the criteria contained in the State plan, to the providers to carry out the activities, and shall conduct oversight with respect to the providers, in the local area.</del></p>	<p>SEC. 123. ELIGIBLE PROVIDERS OF YOUTH WORKFORCE INVESTMENT ACTIVITIES.</p> <p>(a) In General.—From the funds allocated under section 128(b) to a local area, the local board for such area shall award grants or contracts on a competitive basis to providers of youth workforce investment activities identified based on the criteria in the State plan (including such quality criteria as the Governor shall establish for a training program that leads to a recognized postsecondary credential), and taking into consideration the ability of the providers to meet performance accountability measures based on primary indicators of performance for the youth program as described in section 116(b)(2)(A)(ii), as described in section 102(b)(2)(D)(i)(V), and shall conduct oversight with respect to such providers.</p> <p>(b) Exceptions.—A local board may award grants or contracts on a sole-source basis if such board determines there is an insufficient number of eligible</p>

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	providers of youth workforce investment activities in the local area involved (such as a rural area) for grants and contracts to be awarded on a competitive basis under subsection (a).
Chapter 4 Youth Activities	Chapter 2 Youth Workforce Investment Activities
<p>SEC. 126. GENERAL AUTHORIZATION.</p> <p>The Secretary shall make an allotment under section 127(b)(1)(C) to each State that meets the requirements of section 112 and a grant to each outlying area that complies with the requirements of this title, to assist the State or outlying area, and to enable the State or outlying area to assist local areas, for the purpose of providing workforce investment activities for eligible youth in the State or outlying area and in the local areas.</p>	<p>SEC. 126. GENERAL AUTHORIZATION.</p> <p>The Secretary shall make an allotment under section 127(b)(1)(C) to each State that meets the requirements of section 102 or 103 and a grant under section 127(b)(1)(B) to each outlying area that complies with the requirements of this title, to assist the State or outlying area, and to enable the State or outlying area to assist local areas, for the purpose of providing workforce investment activities for eligible youth in the State or outlying area and in the local areas.</p>
<p>SEC. 127. STATE ALLOTMENTS.</p> <p>(a) IN GENERAL.--The Secretary shall--</p> <p>(1) for each fiscal year in which the amount appropriated under section 137(a) exceeds \$1,000,000,000, reserve a portion determined under subsection (b)(1)(A) of the amount appropriated under section 137(a) for use under sections 167 (relating to migrant and seasonal farmworker programs) and 169 (relating to youth opportunity grants); and</p> <p>(iii) YOUTH ACTIVITIES FOR FARMWORKERS.--From the portion described in clause (i) for a fiscal year, the Secretary shall make available 4 percent of such portion to provide youth activities under section 167.</p>	<p>SEC. 127. STATE ALLOTMENTS.</p> <p>(a) In General.—The Secretary shall—</p> <p>(1) for each fiscal year for which the amount appropriated under section 136(a) exceeds \$925,000,000, reserve 4 percent of the excess amount to provide youth workforce investment activities under section 167 (relating to migrant and seasonal farmworkers); and</p>

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<p>(2) use the remainder of the amount appropriated under section 137(a) for a fiscal year to make allotments and grants in accordance with subparagraphs (B) and (C) of subsection (b)(1) and make funds available for use under section 166 (relating to Native American programs).</p> <p>(b) ALLOTMENT AMONG STATES.-- (1) YOUTH ACTIVITIES.—</p> <p>(I) from the amount referred to in subsection (a)(2) for a fiscal year, make available not more than 1.5 percent to provide youth activities under section 166 (relating to Native Americans); and</p> <p><del>(A) YOUTH OPPORTUNITY GRANTS.—</del> <del>(i) IN GENERAL.—For each fiscal year in which the amount appropriated under section 137(a) exceeds \$1,000,000,000, the Secretary shall reserve a portion of the amount to provide youth opportunity grants and other activities under section 169 (relating to youth opportunity grants) and provide youth activities under</del> <del>section 167 (relating to migrant and seasonal farmworker programs).</del> <del>(ii) PORTION.—The portion referred to in clause (i) shall equal, for a fiscal year—</del> <del>(I) except as provided in subclause (II), the difference obtained by subtracting \$1,000,000,000 from the amount appropriated under section 137(a) for the fiscal year; or</del> <del>(II) for any fiscal year in which the amount is \$1,250,000,000 or greater, \$250,000,000.</del></p> <p>(iii) YOUTH ACTIVITIES FOR FARMWORKERS. (CORRESPONDS TO ANOTHER</p>	<p>(2) use the remainder of the amount appropriated under section 136(a) for a fiscal year to make allotments and grants in accordance with subsection (b).</p> <p>(b) Allotment Among States.— (1) YOUTH WORKFORCE INVESTMENT ACTIVITIES.—</p> <p>(A) NATIVE AMERICANS.—From the amount appropriated under section 136(a) for a fiscal year that is not reserved under subsection (a)(1), the Secretary shall reserve not more than 1 1/2 percent of such amount to provide youth workforce investment activities under section 166 (relating to Native Americans).</p>

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<p><b>PART IN THIS SECTION).</b></p> <p><del>(iv) ROLE MODEL ACADEMY PROJECT.--From the portion described in clause (i) for fiscal year 1999, the Secretary shall make available such sums as the Secretary determines to be appropriate to carry out section 169(g).</del></p> <p><b>(B) OUTLYING AREAS.--</b></p> <p><b>(i) IN GENERAL.--</b>From the amount made available under subsection (a)(2) for a fiscal year, the Secretary shall reserve not more than <math>\frac{1}{4}</math> of 1 percent of the amount appropriated under section 137(a) for the fiscal year—</p> <p class="padding-left: 40px;">(I) to provide assistance to the outlying areas to carry out youth activities and statewide workforce investment activities; and</p> <p class="padding-left: 40px;"><del>(II) for each of fiscal years 1999, 2000, and 2001, to carry out the competition described in clause (ii), except that the funds reserved to carry out such clause for any such fiscal year shall not exceed the amount reserved for the Freely Associated States for fiscal year 1997, from amounts reserved under sections 252(a) and 262(a)(1) of the Job Training Partnership Act (as in effect on the day before the date of enactment of this Act).</del></p> <p><b>(ii) LIMITATION FOR FREELY ASSOCIATED STATES.--</b></p> <p><b>(I) COMPETITIVE GRANTS.--</b>The Secretary shall use funds described in clause (i)(II) to award grants to <b>Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the Freely</b></p>	<p><b>(B) OUTLYING AREAS.—</b></p> <p><b>(i) IN GENERAL.—</b>From the amount appropriated under section 136(a) for each fiscal year <b>that is not reserved under subsection (a)(1) and subparagraph (A),</b> the Secretary shall reserve not more than <math>\frac{1}{4}</math> of 1 percent of such amount to provide assistance to the outlying areas to carry out youth workforce investment activities and statewide workforce investment activities.</p> <p><b>(ii) LIMITATION FOR OUTLYING AREAS.—</b></p> <p><b>(I) COMPETITIVE GRANTS.—</b>The Secretary shall use funds reserved under clause (i) to award grants to <b>outlying areas</b> to carry out youth workforce investment activities and statewide workforce investment activities.</p>

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<p><b>Associated States</b> to carry out youth activities and statewide workforce investment activities.</p> <p>(II) AWARD BASIS.--The Secretary shall award grants pursuant to subclause (I) on a competitive basis and pursuant to the recommendations of experts in the field of employment and training, working through the Pacific Region Educational Laboratory in Honolulu, Hawaii.</p> <p><del>(III) ASSISTANCE REQUIREMENTS.--Any Freely Associated State that desires to receive assistance under this subparagraph shall submit an application to the Secretary and shall include in the application for assistance—</del></p> <p><del>(aa) information demonstrating that the Freely Associated State will meet all conditions that apply to States under this title;</del></p> <p><del>(bb) an assurance that, notwithstanding any other provision of this title, the Freely Associated State will use such assistance only for the direct provision of services; and (cc) such other information and assurances as the Secretary may require.</del></p> <p><del>(IV) TERMINATION OF ELIGIBILITY.--</del></p> <p><del>Notwithstanding any other provision of law, the Freely Associated States shall not receive any assistance under this subparagraph for any program year that begins after September 30, 2001.</del></p> <p>(V) ADMINISTRATIVE COSTS.--The Secretary may provide not more than 5 percent of the funds made available for grants under subclause (I) to pay the administrative costs of the Pacific Region Educational Laboratory in Honolulu, Hawaii, regarding activities assisted under this clause.</p>	<p>(II) AWARD BASIS.—The Secretary shall award grants pursuant to subclause (I) on a competitive basis and pursuant to the recommendations of experts in the field of employment and training, working through the Pacific Region Educational Laboratory in Honolulu, Hawaii.</p> <p>(III) ADMINISTRATIVE COSTS.—The Secretary may provide not more than 5 percent of the funds made available for grants under subclause (I) to pay the administrative costs of the Pacific Region Educational Laboratory in Honolulu, Hawaii, regarding activities assisted under this clause.</p>

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<p>(iii) ADDITIONAL REQUIREMENT.--The provisions of Public Law 95-134, permitting the consolidation of grants by the outlying areas, shall not apply to assistance provided to those areas, including the <b>Freely Associated States</b>, under this subparagraph.</p> <p>(C) STATES.--</p> <p>(i) IN GENERAL.--After determining the amounts to be reserved under subparagraph (A) (if any) and subparagraph (B), the Secretary shall—</p> <p style="padding-left: 40px;">(I) <b>(CORRESPONDS TO ANOTHER PART IN THIS SECTION)</b></p> <p style="padding-left: 40px;">(II) <b>allot the remainder of the amount referred to in subsection (a)(2) for a fiscal year to the States pursuant to clause (ii) for youth activities and statewide workforce investment activities.</b></p> <p>(ii) FORMULA.--Subject to clauses (iii) and (iv), of the remainder—</p> <p style="padding-left: 40px;">(I) 33 1/3 percent shall be allotted on the basis of the relative number of unemployed individuals in areas of substantial unemployment in each State, compared to the total number of unemployed individuals in areas of substantial unemployment in all States;</p> <p style="padding-left: 40px;">(II) 33 1/3 percent shall be allotted on the basis of the relative excess number of unemployed individuals in each State, compared to the total excess number of unemployed individuals in all States; and</p> <p style="padding-left: 40px;">(III) 33 1/3 percent shall be allotted on the basis of the relative number of disadvantaged youth in each State, compared to the total number of disadvantaged youth in all States, except as described in clause (iii).</p> <p>(iii) CALCULATION.--In determining an allotment under clause (ii)(III) for any</p>	<p>(iii) ADDITIONAL REQUIREMENT.—The provisions of section 501 of Public Law 95-134 (48 U.S.C. 1469a), permitting the consolidation of grants by the outlying areas, shall not apply to assistance provided to those areas, including <b>Palau</b>, under this subparagraph.</p> <p>(C) STATES.—</p> <p>(i) IN GENERAL.—From the remainder of the amount appropriated under section 136(a) for a fiscal year that exists after the Secretary determines the amounts to be reserved under subsection (a)(1) and subparagraphs (A) and (B), the Secretary shall make allotments to the States in accordance with clause (ii) for youth workforce investment activities and statewide workforce investment activities.</p> <p>(ii) FORMULA.—Subject to clauses (iii) and (iv), of the remainder—</p> <p style="padding-left: 40px;">(I) 33 1/3 percent shall be allotted on the basis of the relative number of unemployed individuals in areas of substantial unemployment in each State, compared to the total number of unemployed individuals in areas of substantial unemployment in all States;</p> <p style="padding-left: 40px;">(II) 33 1/3 percent shall be allotted on the basis of the relative excess number of unemployed individuals in each State, compared to the total excess number of unemployed individuals in all States; and</p> <p style="padding-left: 40px;">(III) 33 1/3 percent shall be allotted on the basis of the relative number of disadvantaged youth in each State, compared to the total number of disadvantaged youth in all States, except as described in clause (iii).</p> <p>(iii) CALCULATION.—In determining an allotment under clause (ii)(III) for any</p>

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# WIA & WIOA Side-by-Side

September 2014

Workforce Investment Act of 1998	Workforce Innovation and Opportunity Act of 2014
<p>State in which there is a local area designated under section 116(a)(2)(B) (relating to the area served by a rural concentrated employment program grant recipient), the allotment shall be based on the higher of—</p> <p>(I) the number of individuals who are age 16 through 21 in families with an income below the low- income level in such area; or</p> <p>(II) the number of disadvantaged youth in such area.</p> <p>(iv) MINIMUM AND MAXIMUM PERCENTAGES AND MINIMUM ALLOTMENTS.—In making allotments under this subparagraph, the Secretary shall ensure the following:</p> <p>(I) MINIMUM PERCENTAGE AND ALLOTMENT.—Subject to subclause (IV), the Secretary shall ensure that no State shall receive an allotment for a fiscal year that is less than the greater of—</p> <p>(aa) an amount based on 90 percent of the allotment percentage of the State for the preceding fiscal year; or</p> <p>(bb) 100 percent of the total of the allotments of the State under <b>sections 252 and 262 of the Job Training Partnership Act (as in effect on the day before the date of enactment of this Act) for fiscal year 1998.</b></p> <p>(II) SMALL STATE MINIMUM ALLOTMENT.—Subject to subclauses (I), (III), and (IV), the Secretary shall ensure that no State shall receive an allotment under this subparagraph that is less than the total of—</p> <p>(aa) <math>\frac{3}{10}</math> of 1 percent of \$1,000,000,000 of the remainder described in clause (i)(II) for the fiscal year; and</p> <p>(bb) if the remainder described in clause (i)(II) for the fiscal year exceeds \$1,000,000,000, <math>\frac{2}{5}</math> of 1 percent of the excess.</p> <p>(III) MAXIMUM PERCENTAGE.—Subject to subclause (I), the Secretary shall</p>	<p>State in which there is an area that was designated as a local area as described in section 107(c)(1)(C), the allotment shall be based on the higher of—</p> <p>(I) the number of individuals who are age 16 through 21 in families with an income below the low-income level in such area; or</p> <p>(II) the number of disadvantaged youth in such area.</p> <p>(iv) MINIMUM AND MAXIMUM PERCENTAGES AND MINIMUM ALLOTMENTS.—In making allotments under this subparagraph, the Secretary shall ensure the following:</p> <p>(I) MINIMUM PERCENTAGE AND ALLOTMENT.—Subject to subclause (IV), the Secretary shall ensure that no State shall receive an allotment for a fiscal year that is less than the greater of—</p> <p>(aa) an amount based on 90 percent of the allotment percentage of the State for the preceding fiscal year; or</p> <p>(bb) 100 percent of the allotments of the State under section 127(b)(1)(C) of the Workforce Investment Act of 1998 (as in effect on the day before the date of enactment of this Act) for fiscal year 2014.</p> <p>(II) SMALL STATE MINIMUM ALLOTMENT.—Subject to subclauses (I), (III), and (IV), the Secretary shall ensure that no State shall receive an allotment under this subparagraph that is less than the total of—</p> <p>(aa) <math>\frac{3}{10}</math> of 1 percent of \$1,000,000,000 of the remainder described in clause (i) for the fiscal year; and</p> <p>(bb) if the remainder described in clause (i) for the fiscal year exceeds \$1,000,000,000, <math>\frac{2}{5}</math> of 1 percent of the excess.</p> <p>(III) MAXIMUM PERCENTAGE.—Subject to subclause (I), the Secretary shall</p>

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# WIA & WIOA Side-by-Side

September 2014

Workforce Investment Act of 1998	Workforce Innovation and Opportunity Act of 2014
<p>ensure that no State shall receive an allotment percentage for a fiscal year that is more than 130 percent of the allotment percentage of the State for the preceding fiscal year.</p> <p>(IV) MINIMUM FUNDING.--In any fiscal year in which the remainder described in clause (i)(II) does not exceed \$1,000,000,000, the minimum allotments under subclauses (I) and (II) shall be calculated by the methodology <b>for calculating the corresponding allotments under parts B and C of title II of the Job Training Partnership Act, as in effect on July 1, 1998.</b></p> <p>(2) DEFINITIONS.--For the purpose of the formula specified in paragraph (1)(C):</p> <p>(A) ALLOTMENT PERCENTAGE.--The term "allotment percentage", used with respect to fiscal year <b>2000</b> or a subsequent fiscal year, means a percentage of the remainder described in paragraph (1)(C)(i)(II) that is received through an allotment made under paragraph (1)(C) for the fiscal year. The term, used with respect to fiscal year <b>1998 or 1999</b>, means the percentage of the amounts allotted to States under sections <b>252(b) and 262(a) of the Job Training Partnership Act (as in effect on the day before the date of enactment of this Act) that is received under such sections by the State involved for fiscal year 1998 or 1999.</b></p> <p>(B) AREA OF SUBSTANTIAL UNEMPLOYMENT.--The term "area of substantial unemployment" means any area that is of sufficient size and scope to sustain a program of workforce investment activities carried out under this subtitle and that has an average rate of unemployment of at least 6.5 percent for the most recent 12 months, as determined by the Secretary. For purposes</p>	<p>ensure that no State shall receive an allotment percentage for a fiscal year that is more than 130 percent of the allotment percentage of the State for the preceding fiscal year.</p> <p>(IV) MINIMUM FUNDING.—In any fiscal year in which the remainder described in clause (i) does not exceed \$1,000,000,000, the minimum allotments under subclauses (I) and (II) shall be calculated by the methodology specified in section 127(b)(1)(C)(iv)(IV) of the Workforce Investment Act of 1998 (as in effect on the day before the date of enactment of this Act).</p> <p>(2) DEFINITIONS.—For the purpose of the formula specified in paragraph (1)(C):</p> <p>(A) ALLOTMENT PERCENTAGE.—The term “allotment percentage”, used with respect to fiscal year <b>2015</b> or a subsequent fiscal year, means a percentage of the remainder described in paragraph (1)(C)(i) that is received through an allotment made under paragraph (1)(C) for the fiscal year. The term, used with respect to fiscal year <b>2014</b>, means the percentage of the amount allotted to States under section 127(b)(1)(C) of the Workforce Investment Act of 1998 (as in effect on the day before the date of enactment of this Act) that is received under such section by the State involved for fiscal year 2014.</p> <p>(B) AREA OF SUBSTANTIAL UNEMPLOYMENT.—The term “area of substantial unemployment” means any area that is of sufficient size and scope to sustain a program of workforce investment activities carried out under this subtitle and that has an average rate of unemployment of at least 6.5 percent for the most recent 12 months, as determined by the Secretary. For purposes</p>

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September 2014

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<p>of this subparagraph, determinations of areas of substantial unemployment shall be made once each fiscal year.</p> <p>(C) DISADVANTAGED YOUTH.--Subject to paragraph (3) the term "disadvantaged youth" means an individual who is age 16 through 21 who received an income, or is a member of a family that received a total family income, that, in relation to family size, does not exceed the higher of—</p> <ul style="list-style-type: none"> <li>(i) the poverty line; or</li> <li>(ii) 70 percent of the lower living standard income level.</li> </ul> <p>(D) EXCESS NUMBER.--The term "excess number" means, used with respect to the excess number of unemployed individuals within a State, the higher of—</p> <ul style="list-style-type: none"> <li>(i) the number that represents the number of unemployed individuals in excess of 4.5 percent of the civilian labor force in the State; or</li> <li>(ii) the number that represents the number of unemployed individuals in excess of 4.5 percent of the civilian labor force in areas of substantial unemployment in such State.</li> </ul> <p>(E) LOW-INCOME LEVEL.--The term "low-income level" means \$7,000 with respect to income in 1969, and for any later year means that amount that bears the same relationship to \$7,000 as the Consumer Price Index for that year bears to the Consumer Price Index for 1969, rounded to the nearest \$1,000.</p> <p>(3) SPECIAL RULE.--For the purpose of the formula specified in paragraph (1)(C), the Secretary shall, as appropriate and to the extent practicable, exclude college students and members of the Armed Forces from the determination of the number of disadvantaged youth.</p>	<p>of this subparagraph, determinations of areas of substantial unemployment shall be made once each fiscal year.</p> <p>(C) DISADVANTAGED YOUTH.—Subject to paragraph (3), the term “disadvantaged youth” means an individual who is age 16 through 21 who received an income, or is a member of family that received a total family income, that, in relation to family size, does not exceed the higher of—</p> <ul style="list-style-type: none"> <li>(i) the poverty line; or</li> <li>(ii) 70 percent of the lower living standard income level.</li> </ul> <p>(D) EXCESS NUMBER.—The term “excess number” means, used with respect to the excess number of unemployed individuals within a State, the higher of—</p> <ul style="list-style-type: none"> <li>(i) the number that represents the number of unemployed individuals in excess of 4.5 percent of the civilian labor force in the State; or</li> <li>(ii) the number that represents the number of unemployed individuals in excess of 4.5 percent of the civilian labor force in areas of substantial unemployment in such State.</li> </ul> <p>(E) LOW-INCOME LEVEL.—The term “low-income level” means \$7,000 with respect to income in 1969, and for any later year means that amount that bears the same relationship to \$7,000 as the Consumer Price Index for that year bears to the Consumer Price Index for 1969, rounded to the nearest \$1,000.</p> <p>(3) SPECIAL RULE.—For the purpose of the formula specified in paragraph (1)(C), the Secretary shall, as appropriate and to the extent practicable, exclude college students and members of the Armed Forces from the determination of the number of disadvantaged youth.</p>

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<p>(4) DEFINITION.--In this subsection, the term "Freely Associated State" means the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.</p> <p>(c) REALLOTMENT.--</p> <p>(1) IN GENERAL.--The Secretary shall, in accordance with this subsection, reallocate to eligible States amounts that are allotted under this section for youth activities and statewide workforce investment activities and that are available for reallocation.</p> <p>(2) AMOUNT.--The amount available for reallocation for a program year is equal to the amount by which the unobligated balance of the State allotment under this section for such activities, at the end of the program year prior to the program year for which the determination under this paragraph is made, exceeds 20 percent of such allotment for the prior program year.</p> <p>(3) REALLOTMENT.--In making reallocations to eligible States of amounts available pursuant to paragraph (2) for a program year, the Secretary shall allot to each eligible State an amount based on the relative amount allotted to such State under this section for such activities for the prior program year, as compared to the total amount allotted to all eligible States under this section for such activities for such prior program year.</p> <p>(4) ELIGIBILITY.--For purposes of this subsection, an eligible State means a State that has obligated at least 80 percent of the State allotment under this section for such activities for the program year prior to</p>	<p>(c) Reallocation.—</p> <p>(1) IN GENERAL.—The Secretary shall, in accordance with this subsection, reallocate to eligible States amounts that are made available to States from allotments made under this section or a corresponding provision of the Workforce Investment Act of 1998 for youth workforce investment activities and statewide workforce investment activities (referred to individually in this subsection as a "State allotment") and that are available for reallocation.</p> <p>(2) AMOUNT.—The amount available for reallocation for a program year is equal to the amount by which the unobligated balance of the State allotment, at the end of the program year prior to the program year for which the determination under this paragraph is made, exceeds 20 percent of such allotment for the prior program year.</p> <p>(3) REALLOTMENT.—In making reallocations to eligible States of amounts available pursuant to paragraph (2) for a program year, the Secretary shall allot to each eligible State an amount based on the relative amount of the State allotment for the program year for which the determination is made, as compared to the total amount of the State allotments for all eligible States for such program year.</p> <p>(4) ELIGIBILITY.—For purposes of this subsection, an eligible State means a State that does not have an amount available for reallocation under paragraph (2) for the program year for which the determination under paragraph (2) is</p>

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<p>the program year for which the determination under paragraph (2) is made.-</p> <p>(5) PROCEDURES.--The Governor of each State shall prescribe uniform procedures for the obligation of funds by local areas within the State in order to avoid the requirement that funds be made available for reallocation under this subsection. The Governor shall further prescribe equitable procedures for making funds available from the State and local areas in the event that a State is required to make funds available for reallocation under this subsection.</p>	<p>made.</p> <p>(5) PROCEDURES.—The Governor shall prescribe uniform procedures for the obligation of funds by local areas within the State in order to avoid the requirement that funds be made available for reallocation under this subsection. The Governor shall further prescribe equitable procedures for making funds available from the State and local areas in the event that a State is required to make funds available for reallocation under this subsection.</p>
<p>SEC. 128. WITHIN STATE ALLOCATIONS.</p> <p>(a) RESERVATIONS FOR STATE ACTIVITIES.--</p> <p>(1) IN GENERAL.--The Governor of a State shall reserve not more than 15 percent of each of the amounts allotted to the State under section 127(b)(1)(C) and paragraphs (1)(B) and (2)(B) of section 132(b) for a fiscal year for statewide workforce investment activities.</p> <p>(2) USE OF FUNDS.--Regardless of whether the reserved amounts were allotted under section 127(b)(1)(C), or under paragraph (1)(B) or (2)(B) of section 132(b), the Governor may use the reserved amounts to carry out statewide youth activities described in section 129(b) or statewide employment and training activities, for adults or for dislocated workers, described in paragraph (2)(B) or (3) of section 134(a).</p> <p>(b) WITHIN STATE ALLOCATION.--</p> <p>(1) METHODS.--The Governor, acting in accordance with the State plan, and after consulting with chief elected officials in the local areas, shall allocate the funds that are allotted to the State for youth activities and statewide workforce investment activities under section 127(b)(1)(C) and</p>	<p>SEC. 128. WITHIN STATE ALLOCATIONS.</p> <p>(a) Reservations for Statewide Activities.—</p> <p>(1) IN GENERAL.—The Governor shall reserve not more than 15 percent of each of the amounts allotted to the State under section 127(b)(1)(C) and paragraphs (1)(B) and (2)(B) of section 132(b) for a fiscal year for statewide workforce investment activities.</p> <p>(2) USE OF FUNDS.—Regardless of whether the reserved amounts were allotted under section 127(b)(1)(C), or under paragraph (1)(B) or (2)(B) of section 132(b), the Governor may use the reserved amounts to carry out statewide activities under section 129(b) or statewide employment and training activities, for adults or dislocated workers, under section 134(a).</p> <p>(b) Within State Allocations.—</p> <p>(1) METHODS.—The Governor, acting in accordance with the State plan, and after consulting with chief elected officials and local boards in the local areas, shall allocate the funds that are allotted to the State for youth activities and statewide workforce investment activities under section 127(b)(1)(C) and</p>

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<p>are not reserved under subsection (a), in accordance with paragraph (2) or (3).</p> <p>(2) FORMULA ALLOCATION.--</p> <p>(A) YOUTH ACTIVITIES.—</p> <p>(i) ALLOCATION.--In allocating the funds described in paragraph (1) to local areas, a State may allocate—</p> <p>(I) 33 1/3 percent of the funds on the basis described in section 127(b)(1)(C)(ii)(I);</p> <p>(II) 33 1/3 percent of the funds on the basis described in section 127(b)(1)(C)(ii)(II); and</p> <p>(III) 33 1/3 percent of the funds on the basis described in clauses (ii)(III) and (iii) of section 127(b)(1)(C).</p> <p>(ii) MINIMUM PERCENTAGE.--<del>Effective at the end of the second full fiscal year after the date on which a local area is designated under section 116,</del> the local area shall not receive an allocation percentage for a fiscal year that is less than 90 percent of the average allocation percentage of the local area for the 2 preceding fiscal years. Amounts necessary for increasing such allocations to local areas to comply with the preceding sentence shall be obtained by ratably reducing the allocations to be made to other local areas under this subparagraph.</p> <p>(iii) DEFINITION.--The term "allocation percentage", used with respect to fiscal year <del>2000</del> or a subsequent fiscal year, means a percentage of the funds referred to in clause (i), received through an allocation made under this subparagraph, for the fiscal year.</p>	<p>are not reserved under subsection (a), in accordance with paragraph(2) or (3).</p> <p>(2) FORMULA ALLOCATION.—</p> <p>(A) YOUTH ACTIVITIES.—</p> <p>(i) ALLOCATION.—In allocating the funds described in paragraph (1) to local areas, a State may allocate—</p> <p>(I) 33 1/3 percent of the funds on the basis described in section 127(b)(1)(C)(ii)(I);</p> <p>(II) 33 1/3 percent of the funds on the basis described in section 127(b)(1)(C)(ii)(II); and</p> <p>(III) 33 1/3 percent of the funds on the basis described in clauses (ii)(III) and (iii) of section127(b)(1)(C).</p> <p>(ii) MINIMUM PERCENTAGE.—The local area shall not receive an allocation percentage for a fiscal year that is less than 90 percent of the average allocation percentage of the local area for the 2 preceding fiscal years. Amounts necessary for increasing such allocations to local areas to comply with the preceding sentence shall be obtained by ratably reducing the allocations to be made to other local areas under this subparagraph.</p> <p>(iii) DEFINITION.—In this subparagraph, the term "allocation percentage", used with respect to fiscal year <b>2015</b> or a subsequent fiscal year, means a percentage of the funds referred to in clause (i), received through an allocation made under this subparagraph, for the fiscal year. <b>The term, used with respect to fiscal year 2013 or 2014, means a percentage of the funds referred to in section 128(b)(1) of the Workforce Investment Act of 1998 (as in effect on the day before the date of enactment of this Act), received through an allocation made under</b></p>

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<p>(B) APPLICATION.--For purposes of carrying out subparagraph (A)—</p> <ul style="list-style-type: none"> <li>(i) references in section 127(b) to a State shall be deemed to be references to a local area;</li> <li>(ii) references in section 127(b) to all States shall be deemed to be references to all local areas in the State involved; and</li> <li>(iii) except as described in clause (i), references in section 127(b)(1) to the term "excess number" shall be considered to be references to the term as defined in section 127(b)(2).</li> </ul> <p>(3) YOUTH DISCRETIONARY ALLOCATION.--In lieu of making the allocation described in paragraph (2)(A), in allocating the funds described in paragraph (1) to local areas, a State may distribute—</p> <ul style="list-style-type: none"> <li>(A) a portion equal to not less than 70 percent of the funds in accordance with paragraph (2)(A); and</li> <li>(B) the remaining portion of the funds on the basis of a formula that— <ul style="list-style-type: none"> <li>(i) incorporates additional factors (other than the factors described in paragraph (2)(A)) relating to-- <ul style="list-style-type: none"> <li>(I) excess youth poverty in urban, rural, and suburban local areas; and</li> <li>(II) excess unemployment above the State average in urban, rural, and suburban local areas; and</li> </ul> </li> <li>(ii) was developed by the State board and approved by the Secretary as part of the State plan.</li> </ul> </li> </ul> <p>(4) <b>LIMITATION.</b>--</p> <p>(A) IN GENERAL.--Of the amount allocated to a local area under this subsection</p>	<p>paragraph (2) or (3) of section 128(b) of the Workforce Investment Act of 1998 (as so in effect), for the fiscal year 2013 or 2014, respectively.</p> <p>(B) APPLICATION.—For purposes of carrying out subparagraph (A)—</p> <ul style="list-style-type: none"> <li>(i) references in section 127(b) to a State shall be deemed to be references to a local area;</li> <li>(ii) references in section 127(b) to all States shall be deemed to be references to all local areas in the State involved; and</li> <li>(iii) except as described in clause (i), references in section 127(b)(1) to the term “excess number” shall be considered to be references to the term as defined in section 127(b)(2).</li> </ul> <p>(3) YOUTH DISCRETIONARY ALLOCATION.—In lieu of making the allocation described in paragraph (2), in allocating the funds described in paragraph (1) to local areas, a State may distribute—</p> <ul style="list-style-type: none"> <li>(A) a portion equal to not less than 70 percent of the funds in accordance with paragraph (2)(A); and</li> <li>(B) the remaining portion of the funds on the basis of a formula that— <ul style="list-style-type: none"> <li>(i) incorporates additional factors (other than the factors described in paragraph (2)(A)) relating to— <ul style="list-style-type: none"> <li>(I) excess youth poverty in urban, rural, and suburban local areas; and</li> <li>(II) excess unemployment above the State average in urban, rural, and suburban local areas; and</li> </ul> </li> <li>(ii) was developed by the State board and approved by the Secretary as part of the State plan.</li> </ul> </li> </ul> <p>(4) LOCAL ADMINISTRATIVE COST LIMIT. —</p> <p>(A) IN GENERAL.—Of the amount allocated to a local area under this</p>

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<p>and section 133(b) for a fiscal year, not more than 10 percent of the amount may be used by the local board for the administrative cost of carrying out local workforce investment activities described in subsection (d) or (e) of section 134 or in section 129(c).</p> <p>(B) USE OF FUNDS.--Funds made available for administrative costs under subparagraph (A) may be used for the administrative cost of any of the local workforce investment activities described in subsection (d) or (e) of section 134 or in section 129(c), regardless of whether the funds were allocated under this subsection or section 133(b).</p> <p><del>(C) REGULATIONS.--The Secretary, after consulting with the Governors, shall develop and issue regulations that define the term "administrative cost" for purposes of this title. Such definition shall be consistent with generally accepted accounting principles.</del></p> <p>(c) REALLOCATION AMONG LOCAL AREAS.--</p> <p>(1) IN GENERAL.--The Governor may, in accordance with this subsection, reallocate to eligible local areas within the State amounts that are allocated under paragraph (2)(A) or (3) of subsection (b) for youth activities and that are available for reallocation.</p> <p>(2) AMOUNT.--The amount available for reallocation for a program year is equal to the amount by which the unobligated balance of the local area allocation <del>under paragraph (2)(A) or (3) of subsection (b) for such activities</del>, at the end of the program year prior to the program year for</p>	<p>subsection and section 133(b) for a fiscal year, not more than 10 percent of the amount may be used by the local board involved for the administrative costs of carrying out local workforce investment activities under this chapter or chapter 3.</p> <p>(B) USE OF FUNDS.—Funds made available for administrative costs under subparagraph (A) may be used for the administrative costs of any of the local workforce investment activities described in this chapter or chapter 3, regardless of whether the funds were allocated under this subsection or section 133(b).</p> <p>(c) Reallocation Among Local Areas.—</p> <p>(1) IN GENERAL.—The Governor may, in accordance with this subsection <b>and after consultation with the State board</b>, reallocate to eligible local areas within the State amounts that are made available to local areas from allocations made under this section or a corresponding provision of the Workforce Investment Act of 1998 for youth workforce investment activities <b>(referred to individually in this subsection as a "local allocation")</b> and that are available for reallocation.</p> <p>(2) AMOUNT.—The amount available for reallocation for a program year is equal to the amount by which the unobligated balance of the local allocation, at the end of the program year prior to the program year for which the determination under this paragraph is made, exceeds 20 percent</p>

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<p>which the determination under this paragraph is made exceeds 20 percent of such allocation for the prior program year.</p> <p>(3) REALLOCATION.--In making reallocations to eligible local areas of amounts available pursuant to paragraph (2) for a program year, the Governor shall allocate to each eligible local area within the State an amount based on the relative amount allocated to such local area <del>under subsection (b)(3) for such activities for the prior program year</del>, as compared to the total amount allocated to all eligible local areas in the State <del>under subsection (b)(3) for such activities for such prior program year. For purposes of this paragraph, local areas that received allocations under subsection (b)(2)(A) for the prior program year shall be treated as if the local areas received allocations under subsection (b)(3) for such year.</del></p> <p>(4) ELIGIBILITY.--For purposes of this subsection, an eligible local area means a local area <del>that has obligated at least 80 percent of the local area allocation under paragraph (2)(A) or (3) of subsection (b) for such activities, for the program year prior to the program year for which the determination under paragraph (2) is made.</del></p> <p><b>SEC. 129. USE OF FUNDS FOR YOUTH ACTIVITIES.</b></p> <p><del>(a) PURPOSES.--The purposes of this section are--(1) to provide, to eligible youth seeking assistance in achieving academic and employment success, effective and comprehensive activities, which shall include a variety of options for improving educational and skill competencies and provide effective connections to employers;</del></p> <p><del>(2) to ensure on-going mentoring opportunities for eligible youth with adults committed to providing such opportunities;</del></p>	<p>of such allocation for the prior program year.</p> <p>(3) REALLOCATION.—In making reallocations to eligible local areas of amounts available pursuant to paragraph (2) for a program year, the Governor shall allocate to each eligible local area within the State an amount based on the relative amount of the local allocation <b>for the program year for which the determination is made</b>, as compared to the total amount of the local allocations for all eligible local areas in the State <b>for such program year</b>.</p> <p>(4) ELIGIBILITY.—For purposes of this subsection, an eligible local area means a local area that does not have an amount available for reallocation under paragraph (2) for the program year for which the determination under paragraph (2) is made.</p> <p><b>SEC. 129. USE OF FUNDS FOR YOUTH WORKFORCE INVESTMENT ACTIVITIES.</b></p> <p><b>(a) Youth Participant Eligibility.—</b></p> <p><b>(1) ELIGIBILITY.—</b></p> <p><b>(A) IN GENERAL.—To be eligible to participate in activities carried out under this chapter during any program year an individual shall, at the time the eligibility determination is made, be an out-of-school youth or an in-school youth.</b></p>

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<p><del>(3) to provide opportunities for training to eligible youth;</del></p> <p><del>(4) to provide continued supportive services for eligible youth;</del></p> <p><del>(5) to provide incentives for recognition and achievement to eligible youth; and</del></p> <p><del>(6) to provide opportunities for eligible youth in activities related to leadership, development, decision-making, citizenship, and community service.</del></p>	<p>(B) OUT-OF-SCHOOL YOUTH.—In this title, the term “out-of-school youth” means an individual who is—</p> <ul style="list-style-type: none"><li>(i) not attending any school (as defined under State law);</li><li>(ii) not younger than age 16 or older than age 24; and</li><li>(iii) one or more of the following:<ul style="list-style-type: none"><li>(I) A school dropout.</li><li>(II) A youth who is within the age of compulsory school attendance, but has not attended school for at least the most recent complete school year calendar quarter.</li><li>(III) A recipient of a secondary school diploma or its recognized equivalent who is a low-income individual and is—<ul style="list-style-type: none"><li>(aa) basic skills deficient; or</li><li>(bb) an English language learner.</li></ul></li><li>(IV) An individual who is subject to the juvenile or adult justice system.</li><li>(V) A homeless individual (as defined in section 41403(6) of the Violence Against Women Act of 1994 (42 U.S.C. 14043e-2(6))), a homeless child or youth (as defined in section 725(2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a(2))), a runaway, in foster care or has aged out of the foster care system, a child eligible for assistance under section 477 of the Social Security Act (42 U.S.C. 677), or in an out-of-home placement.</li><li>(VI) An individual who is pregnant or parenting.</li><li>(VII) A youth who is an individual with a disability.</li><li>(VIII) A low-income individual who requires additional assistance to enter or complete an educational program or to secure or hold employment.</li></ul></li></ul> <p>(C) IN-SCHOOL YOUTH.—In this section, the term “in-school youth” means an</p>

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	<p>individual who is—</p> <ul style="list-style-type: none"><li>(i) attending school (as defined by State law);</li><li>(ii) not younger than age 14 or (unless an individual with a disability who is attending school under State law) older than age 21;</li><li>(iii) a low-income individual; and</li><li>(iv) one or more of the following:<ul style="list-style-type: none"><li>(I) Basic skills deficient.</li><li>(II) An English language learner.</li><li>(III) An offender.</li><li>(IV) A homeless individual (as defined in section 41403(6) of the Violence Against Women Act of 1994 (42 U.S.C. 14043e-2(6))), a homeless child or youth (as defined in section 725(2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a(2))), a runaway, in foster care or has aged out of the foster care system, a child eligible for assistance under section 477 of the Social Security Act (42 U.S.C. 677), or in an out-of-home placement.</li><li>(V) Pregnant or parenting.</li><li>(VI) A youth who is an individual with a disability.</li><li>(VII) An individual who requires additional assistance to complete an educational program or to secure or hold employment.</li></ul></li></ul> <p>(2) SPECIAL RULE.—For the purpose of this subsection, the term “low-income”, used with respect to an individual, also includes a youth living in a high-poverty area.</p> <p>(3) EXCEPTION AND LIMITATION.—</p> <p>(A) EXCEPTION FOR PERSONS WHO ARE NOT LOW-INCOME INDIVIDUALS.—</p> <ul style="list-style-type: none"><li>(i) DEFINITION.—In this subparagraph, the term “covered individual” means an in-school youth, or an out-of-school youth who is described in</li></ul>

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<p><del>(4) PRIORITY.—</del> <del>(A) IN GENERAL.—At a minimum, 30 percent of the funds described in paragraph (1) shall be used to provide youth activities to out-of-school youth.</del></p> <p>(B) EXCEPTION.—A State that receives a minimum allotment under section 127(b)(1) in accordance with section 127(b)(1)(C)(iv)(II) or under section 132(b)(1) in accordance with section 132(b)(1)(B)(iv)(II) may reduce the percentage described in subparagraph (A) for a local area in the State, if—</p> <ul style="list-style-type: none"><li>(i) after an analysis of the eligible youth population in the local area, the State determines that the local area will be unable to meet the percentage described in subparagraph (A) due to a low number of out-of-school youth; and</li><li>(ii)(I) the State submits to the Secretary, for the local area, a request including a proposed reduced percentage for purposes of subparagraph (A), and the summary of the eligible youth population analysis; and</li></ul>	<p>subclause (III) or (VIII) of paragraph (1)(B)(iii).</p> <p>(ii) EXCEPTION.—In each local area, not more than 5 percent of the individuals assisted under this section may be persons who would be covered individuals, except that the persons are not low-income individuals.</p> <p>(B) LIMITATION.—In each local area, not more than 5 percent of the in-school youth assisted under this section may be eligible under paragraph (1) because the youth are in-school youth described in paragraph (1)(C)(iv)(VII).</p> <p>(4) OUT-OF-SCHOOL PRIORITY.—</p> <p>(A) IN GENERAL.—For any program year, not less than 75 percent of the funds allotted under section 127(b)(1)(C), reserved under section 128(a), and available for statewide activities under subsection (b), and not less than 75 percent of funds available to local areas under subsection (c), shall be used to provide youth workforce investment activities for out-of-school youth.</p> <p>(B) EXCEPTION.—A State that receives a minimum allotment under section 127(b)(1) in accordance with section 127(b)(1)(C)(iv) or under section 132(b)(1) in accordance with section 132(b)(1)(B)(iv) may decrease the percentage described in subparagraph (A) to not less than 50 percent for a local area in the State, if—</p> <ul style="list-style-type: none"><li>(i) after an analysis of the in-school youth and out-of-school youth populations in the local area, the State determines that the local area will be unable to use at least 75 percent of the funds available for activities under subsection (c) to serve out-of-school youth due to a low number of out-of-school youth; and</li><li>(ii)(I) the State submits to the Secretary, for the local area, a request</li></ul>

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<p>(II) the request is approved by the Secretary.</p> <p><del>(5) EXCEPTIONS.--Not more than 5 percent of participants assisted under this section in each local area may be individuals who do not meet the minimum income criteria to be considered eligible youth, if such individuals are within one or more of the following categories:-</del></p> <p><del>(A) Individuals who are school dropouts.-</del></p> <p><del>(B) Individuals who are basic skills deficient.-</del></p> <p><del>(C) Individuals with educational attainment that is one or more grade levels below the grade level appropriate to the age of the individuals.-</del></p> <p><del>(D) Individuals who are pregnant or parenting.-</del></p> <p><del>(E) Individuals with disabilities, including learning disabilities.-</del></p> <p><del>(F) Individuals who are homeless or runaway youth.-</del></p> <p><del>(G) Individuals who are offenders.-</del></p> <p><del>(H) Other eligible youth who face serious barriers to employment as identified by the local board.-</del></p> <p>(b) STATEWIDE <del>YOUTH</del> ACTIVITIES.—</p> <p>(1) IN GENERAL.--Funds reserved by a Governor for a State as described in sections 128(a) and 133(a)(1)—</p> <p>(A) shall be used to carry out the statewide youth activities described in paragraph (2); and</p> <p>(B) may be used to carry out any of the statewide youth activities described in paragraph (3), regardless of whether the funds were allotted to the State under section 127(b)(1) or under paragraph (1) or (2) of section 132(b).</p>	<p>including a proposed percentage decreased to not less than 50 percent for purposes of subparagraph (A), and a summary of the analysis described in clause (i); and</p> <p>(II) the request is approved by the Secretary.</p> <p><b>(5) CONSISTENCY WITH COMPULSORY SCHOOL ATTENDANCE LAWS.—In providing assistance under this section to an individual who is required to attend school under applicable State compulsory school attendance laws, the priority in providing such assistance shall be for the individual to attend school regularly.</b></p> <p>(b) Statewide Activities.—</p>

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<p>(2) REQUIRED STATEWIDE YOUTH ACTIVITIES.--A State shall use funds reserved as described in sections 128(a) and 133(a)(1) (regardless of whether the funds were allotted to the State under section 127(b)(1) or paragraph (1) or (2) of section 132(b)) to carry out statewide youth activities, which shall include—</p> <p>(A) disseminating a list of eligible providers of youth activities described in section 123;</p> <p>(B) carrying out activities described in clauses (ii) through (vi) of section 134(a)(2)(B), except that references in such clauses to activities authorized under section 134 shall be considered to be references to activities authorized under this section; and</p> <p>(C) providing additional assistance to local areas that have high concentrations of eligible youth to carry out the activities described in subsection (c).</p>	<p>(1) REQUIRED STATEWIDE YOUTH ACTIVITIES.—Funds reserved by a Governor as described in sections 128(a) and 133(a)(1) shall be used, regardless of whether the funds were allotted to the State under section 127(b)(1)(C) or under paragraph (1)(B) or (2)(B) of section 132(b) for statewide activities, which shall include—</p> <p>(A) conducting evaluations under section 116(e) of activities authorized under this chapter and chapter 3 in coordination with evaluations carried out by the Secretary under section 169(a);</p> <p>(B) disseminating a list of eligible providers of youth workforce investment activities, as determined under section 123;</p> <p>(C) providing assistance to local areas as described in subsections (b)(6) and (c)(2) of section 106, for local coordination of activities carried out under this title;</p> <p>(D) operating a fiscal and management accountability information system under section 116(i);</p> <p>(E) carrying out monitoring and oversight of activities carried out under this chapter and chapter 3, which may include a review comparing the services provided to male and female youth; and</p> <p>(F) providing additional assistance to local areas that have high concentrations of eligible youth.</p>

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<p>(3) ALLOWABLE STATEWIDE YOUTH ACTIVITIES.--A State may use funds reserved as described in sections 128(a) and 133(a)(1) (regardless of whether the funds were allotted to the State under section 127(b)(1) or paragraph (1) or (2) of section 132(b)) to carry out additional statewide youth activities, which may include—</p> <p>(A) carrying out activities described in clauses (i), (ii), (iii), (iv)(II), and (vi)(II) of section 134(a)(3)(A), except that references in such clauses to activities authorized under section 134 shall be considered to be references to activities authorized under this section; and</p> <p>(B) carrying out, on a statewide basis, activities described in subsection (c).</p> <p><del>(4) PROHIBITION.--No funds described in this subsection or section 134(a) shall be used to develop or implement education curricula for school systems in the State.</del></p>	<p>(2) ALLOWABLE STATEWIDE YOUTH ACTIVITIES.—Funds reserved by a Governor as described in sections 128(a) and 133(a)(1) may be used, regardless of whether the funds were allotted to the State under section 127(b)(1)(C) or under paragraph (1)(B) or (2)(B) of section 132(b), for statewide activities, which may include—</p> <p>(A) conducting—</p> <p>(i) research related to meeting the education and employment needs of eligible youth; and</p> <p>(ii) demonstration projects related to meeting the education and employment needs of eligible youth;</p> <p>(B) supporting the development of alternative, evidence-based programs and other activities that enhance the choices available to eligible youth and encourage such youth to reenter and complete secondary education, enroll in postsecondary education and advanced training, progress through a career pathway, and enter into unsubsidized employment that leads to economic self-sufficiency;</p> <p>(C) supporting the provision of career services described in section 134(c)(2) in the one-stop delivery system in the State;</p> <p>(D) supporting financial literacy, including—</p> <p>(i) supporting the ability of participants to create household budgets, initiate savings plans, and make informed financial decisions about education, retirement, home ownership, wealth building, or other savings goals;</p> <p>(ii) supporting the ability to manage spending, credit, and debt, including</p>

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<p>(c) LOCAL ELEMENTS AND REQUIREMENTS.--</p> <p>(1) PROGRAM DESIGN.--Funds allocated to a local area for eligible youth under paragraph (2)(A) or (3), as appropriate, of section 128(b) shall be used to carry out, for eligible youth, programs that—</p>	<p>credit card debt, effectively;</p> <p>(iii) increasing awareness of the availability and significance of credit reports and credit scores in obtaining credit, including determining their accuracy (and how to correct inaccuracies in the reports and scores), and their effect on credit terms;</p> <p>(iv) supporting the ability to understand, evaluate, and compare financial products, services, and opportunities; and</p> <p>(v) supporting activities that address the particular financial literacy needs of non-English speakers, including providing the support through the development and distribution of multilingual financial literacy and education materials; and</p> <p>(E) providing technical assistance to, as appropriate, local boards, chief elected officials, one-stop operators, one-stop partners, and eligible providers, in local areas, which provision of technical assistance shall include the development and training of staff, the development of exemplary program activities, the provision of technical assistance to local areas that fail to meet local performance accountability measures described in section 116(c), and the provision of technology to facilitate remote access to services provided through the one-stop delivery system in the State.</p> <p>(3) LIMITATION.—Not more than 5 percent of the funds allotted to a State under section 127(b)(1)(C) shall be used by the State for administrative activities carried out under this subsection or section 134(a).</p> <p>(c) Local Elements and Requirements.—</p> <p>(1) PROGRAM DESIGN.—Funds allocated to a local area for eligible youth under section 128(b) shall be used to carry out, for eligible youth, programs that—</p>

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<p>(A) provide an objective assessment of the academic levels, skill levels, and service needs of each participant, which assessment shall include a review of basic skills, occupational skills, prior work experience, employability, interests, aptitudes (including interests and aptitudes for nontraditional jobs), supportive service needs, and developmental needs of such participant, except that a new assessment of a participant is not required if the provider carrying out such a program determines it is appropriate to use a recent assessment of the participant conducted pursuant to another education or training program;</p> <p>(B) develop service strategies for each participant that shall identify an employment goal (including, in appropriate circumstances, nontraditional employment), appropriate achievement objectives, and appropriate services for the participant taking into account the assessment conducted pursuant to subparagraph (A), except that a new service strategy for a participant is not required if the provider carrying out such a program determines it is appropriate to use a recent service strategy developed for the participant under another education or training program; and</p> <p>(C) provide—</p> <p>(i) preparation for postsecondary educational opportunities, in appropriate cases;</p>	<p>(A) provide an objective assessment of the academic levels, skill levels, and service needs of each participant, which assessment shall include a review of basic skills, occupational skills, prior work experience, employability, interests, aptitudes (including interests and aptitudes for nontraditional jobs), supportive service needs, and developmental needs of such participant, <b>for the purpose of identifying appropriate services and career pathways for participants</b>, except that a new assessment of a participant is not required if the provider carrying out such a program determines it is appropriate to use a recent assessment of the participant conducted pursuant to another education or training program;</p> <p>(B) develop service strategies for each <b>participant that are directly linked to 1 or more of the indicators of performance described in section 116(b)(2)(A)(ii), and that shall identify career pathways that include education and</b> employment goals (including, in appropriate circumstances, nontraditional employment), appropriate achievement objectives, and appropriate services for the participant taking into account the assessment conducted pursuant to subparagraph (A), except that a new service strategy for a participant is not required if the provider carrying out such a program determines it is appropriate to use a recent service strategy developed for the participant under another education or training program;</p> <p>(C) provide—</p> <p><b>(i) activities leading to the attainment of a secondary school diploma or its recognized equivalent, or a recognized postsecondary credential;</b></p> <p>(ii) preparation for postsecondary educational <b>and training</b> opportunities;</p>

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<p>(ii) strong linkages between academic and occupational learning;</p> <p>(iii) preparation for unsubsidized employment opportunities, in appropriate cases; and</p> <p>(iv) effective connections to intermediaries with strong links to— (I) the job market; and (II) local and regional employers.</p> <p>(2) PROGRAM ELEMENTS.--The programs described in paragraph (1) shall provide elements consisting of—</p> <p>(A) tutoring, study skills training, and instruction, leading to completion of secondary school, including dropout prevention strategies;</p>	<p>(iii) strong linkages between academic instruction (based on State academic content and student academic achievement standards established under section 1111 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311)) and occupational education that lead to the attainment of recognized postsecondary credentials;</p> <p>(iv) preparation for unsubsidized employment opportunities, in appropriate cases; and</p> <p>(v) effective connections to employers, including small employers, in in-demand industry sectors and occupations of the local and regional labor markets; and</p> <p>(D) at the discretion of the local board, implement a pay-for-performance contract strategy for elements described in paragraph (2), for which the local board may reserve and use not more than 10 percent of the total funds allocated to the local area under section 128(b).</p> <p>(2) PROGRAM ELEMENTS.—In order to support the attainment of a secondary school diploma or its recognized equivalent, entry into postsecondary education, and career readiness for participants, the programs described in paragraph (1) shall provide elements consisting of—</p> <p>(A) tutoring, study skills training, instruction, and evidence-based dropout prevention and recovery strategies that lead to completion of the requirements for a secondary school diploma or its recognized equivalent (including a recognized certificate of attendance or similar document for individuals with disabilities) or for a recognized postsecondary credential;</p>

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<p>(B) alternative secondary school services, as appropriate;</p> <p>(C) summer employment opportunities that are directly linked to academic and occupational learning;</p> <p>(D) as appropriate, paid and unpaid work experiences, including internships and job shadowing;</p> <p>(E) occupational skill training, as appropriate;</p> <p>(F) leadership development opportunities, which may include community service and peer-centered activities encouraging responsibility and other positive social behaviors during non-school hours, as appropriate;</p> <p>(G) supportive services;</p> <p>(H) adult mentoring for the period of participation and a subsequent</p>	<p>(B) alternative secondary school services, or dropout recovery services, as appropriate;</p> <p>(C) paid and unpaid work experiences that have as a component academic and occupational education, which may include—</p> <p>(i) summer employment opportunities and other employment opportunities available throughout the school year;</p> <p>(ii) pre-apprenticeship programs;</p> <p>(iii) internships and job shadowing; and</p> <p>(iv) on-the-job training opportunities;</p> <p>(D) occupational skill training, which shall include priority consideration for training programs that lead to recognized postsecondary credentials that are aligned with in-demand industry sectors or occupations in the local area involved, if the local board determines that the programs meet the quality criteria described in section 123;</p> <p>(E) education offered concurrently with and in the same context as workforce preparation activities and training for a specific occupation or occupational cluster;</p> <p>(F) leadership development opportunities, which may include community service and peer-centered activities encouraging responsibility and other positive social and civic behaviors, as appropriate;</p> <p>(G) supportive services;</p> <p>(H) adult mentoring for the period of participation and a subsequent</p>

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<p>period, for a total of not less than 12 months;</p> <p>(I) followup services for not less than 12 months after the completion of participation, as appropriate; and</p> <p>(J) comprehensive guidance and counseling, which may include drug and alcohol abuse counseling and referral, as appropriate.</p> <p>(3) ADDITIONAL REQUIREMENTS.--</p> <p>(A) INFORMATION AND REFERRALS.--Each local board shall ensure that each participant <b>or applicant who meets the minimum income criteria to be considered an eligible youth</b> shall be provided—</p> <p>(i) information on the full array of applicable or appropriate services that are available through the local board or other eligible providers or one-stop partners, including those receiving funds under this subtitle; and</p>	<p>period, for a total of not less than 12 months;</p> <p>(I) followup services for not less than 12 months after the completion of participation, as appropriate;</p> <p>(J) comprehensive guidance and counseling, which may include drug and alcohol abuse counseling and referral, as appropriate;</p> <p><b>(K) financial literacy education;</b></p> <p><b>(L) entrepreneurial skills training;</b></p> <p><b>(M) services that provide labor market and employment information about in-demand industry sectors or occupations available in the local area, such as career awareness, career counseling, and career exploration services; and</b></p> <p><b>(N) activities that help youth prepare for and transition to postsecondary education and training.</b></p> <p>(3) ADDITIONAL REQUIREMENTS.—</p> <p>(A) INFORMATION AND REFERRALS.—Each local board shall ensure that each participant shall be provided—</p> <p>(i) information on the full array of applicable or appropriate services that are available through the local board or other eligible providers or one-stop partners, including those providers or partners receiving funds under this subtitle; and</p>

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<p>(ii) referral to appropriate training and educational programs that have the capacity to serve the participant or applicant either on a sequential or concurrent basis.</p> <p>(B) APPLICANTS NOT MEETING ENROLLMENT REQUIREMENTS.-- Each eligible provider of a program of youth activities shall ensure that an eligible applicant who does not meet the enrollment requirements of the particular program or who cannot be served shall be referred for further assessment, as necessary, and referred to appropriate programs in accordance with subparagraph (A) to meet the basic skills and training needs of the applicant.</p> <p>(C) INVOLVEMENT IN DESIGN AND IMPLEMENTATION.--The local board shall ensure that parents, participants, and other members of the community with experience relating to programs for youth are involved in the design and implementation of the programs described in paragraph (1).</p> <p>(4) PRIORITY.-- (A) IN GENERAL.(CORRESPONDS TO ANOTHER PART IN THIS SECTION)</p> <p>(B) EXCEPTION.--(CORRESPONDS TO ANOTHER PART IN THIS SECTION)</p> <p>(5) EXCEPTIONS.--(CORRESPONDS TO ANOTHER PART IN THIS SECTION)</p> <p>(6) PROHIBITIONS.-- (A) PROHIBITION AGAINST FEDERAL CONTROL OF EDUCATION.--</p>	<p>(ii) referral to appropriate training and educational programs that have the capacity to serve the participant either on a sequential or concurrent basis.</p> <p>(B) APPLICANTS NOT MEETING ENROLLMENT REQUIREMENTS.— Each eligible provider of a program of youth workforce investment activities shall ensure that an eligible applicant who does not meet the enrollment requirements of the particular program or who cannot be served shall be referred for further assessment, as necessary, and referred to appropriate programs in accordance with subparagraph (A) to meet the basic skills and training needs of the applicant.</p> <p>(C) INVOLVEMENT IN DESIGN AND IMPLEMENTATION.—The local board shall ensure that parents, participants, and other members of the community with experience relating to programs for youth are involved in the design and implementation of the programs described in paragraph (1).</p> <p>(4) PRIORITY.— Not less than 20 percent of the funds allocated to the local area as described in paragraph (1) shall be used to provide in-school youth and out-of-school youth with activities under paragraph (2)(C).</p> <p>(5) RULE OF CONSTRUCTION.—Nothing in this chapter shall be construed to require that each of the elements described in subparagraphs of paragraph (2) be offered by each provider of youth services.</p> <p>(6) PROHIBITIONS.— (A) PROHIBITION AGAINST FEDERAL CONTROL OF EDUCATION.—No provision</p>

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Workforce Investment Act of 1998	Workforce Innovation and Opportunity Act of 2014
<p>No provision of this Act shall be construed to authorize any department, agency, officer, or employee of the United States to exercise any direction, supervision, or control over the curriculum, program of instruction, administration, or personnel of any educational institution, school, or school system, or over the selection of library resources, textbooks, or other printed or published instructional materials by any educational institution, school, or school system.</p> <p><del>(B) NONDUPLICATION.—All of the funds made available under this Act shall be used in accordance with the requirements of this Act. None of the funds made available under this Act may be used to provide funding under the School-to-Work Opportunities Act of 1994 (20 U.S.C. 6101 et seq.) or to carry out, through programs funded under this Act, activities that were funded under the School-to-Work Opportunities Act of 1994, unless the programs funded under this Act serve only those participants eligible to participate in the programs under this Act.</del></p> <p>(C) NONINTERFERENCE AND NONREPLACEMENT OF REGULAR ACADEMIC REQUIREMENTS.—No funds described in paragraph (1) shall be used to provide an activity for eligible youth who are not school dropouts if participation in the activity would interfere with or replace the regular academic requirements of the youth.</p> <p>(7) LINKAGES.—In coordinating the programs authorized under this section, <del>youth councils</del> shall establish linkages with educational agencies responsible for services to participants as appropriate.</p> <p>(8) VOLUNTEERS.—The local board shall make opportunities available for individuals who have successfully participated in programs carried out under</p>	<p>of this Act shall be construed to authorize any department, agency, officer, or employee of the United States to exercise any direction, supervision, or control over the curriculum, program of instruction, administration, or personnel of any educational institution, school, or school system, or over the selection of library resources, textbooks, or other printed or published instructional materials by any educational institution, school, or school system.</p> <p>(B) NONINTERFERENCE AND NONREPLACEMENT OF REGULAR ACADEMIC REQUIREMENTS.—No funds described in paragraph (1) shall be used to provide an activity for eligible youth who are not school dropouts if participation in the activity would interfere with or replace the regular academic requirements of the youth.</p> <p>(7) LINKAGES.—In coordinating the programs authorized under this section, <b>local boards</b> shall establish linkages with local educational agencies responsible for services to participants as appropriate.</p> <p>(8) VOLUNTEERS.—The local board shall make opportunities available for individuals who have successfully participated in programs carried out under</p>

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Workforce Investment Act of 1998	Workforce Innovation and Opportunity Act of 2014
this section to volunteer assistance to participants in the form of mentoring, tutoring, and other activities.	this section to volunteer assistance to participants in the form of mentoring, tutoring, and other activities.
CHAPTER 5--ADULT AND DISLOCATED WORKER EMPLOYMENT AND TRAINING ACTIVITIES	CHAPTER 3—ADULT AND DISLOCATED WORKER EMPLOYMENT AND TRAINING ACTIVITIES
<p>SEC. 131. GENERAL AUTHORIZATION.</p> <p>The Secretary shall make allotments under paragraphs (1)(B) and (2)(B) of section 132(b) to each State that meets the requirements of section 112 and a grant to each outlying area that complies with the requirements of this title, to assist the State or outlying area, and to enable the State or outlying area to assist local areas, for the purpose of providing workforce investment activities for adults, and dislocated workers, in the State or outlying area and in the local areas.</p>	<p>SEC. 131. GENERAL AUTHORIZATION.</p> <p>The Secretary shall make allotments under paragraphs (1)(B) and (2)(B) of section 132(b) to each State that meets the requirements of section 102 or 103 and grants under paragraphs (1)(A) and (2)(A) of section 132(b) to each outlying area that complies with the requirements of this title, to assist the State or outlying area, and to enable the State or outlying area to assist local areas, for the purpose of providing workforce investment activities for adults, and dislocated workers, in the State or outlying area and in the local areas.</p>
<p>SEC. 132. STATE ALLOTMENTS.</p> <p>(a) IN GENERAL.--The Secretary shall--</p> <p>(1) make allotments and grants from the total amount appropriated under section 137(b) for a fiscal year in accordance with subsection (b)(1); and</p> <p>(2)(A) reserve 20 percent of the amount appropriated under section 137(c) for a fiscal year for use under subsection (b)(2)(A), and under sections 170(b) (relating to dislocated worker technical assistance), 171(d) (relating to dislocated worker projects), and 173 (relating to</p>	<p>SEC. 132. STATE ALLOTMENTS.</p> <p>(a) In General.—The Secretary shall—</p> <p>(1) make allotments and grants from the amount appropriated under section 136(b) for a fiscal year in accordance with subsection (b)(1); and</p> <p>(2)(A) reserve 20 percent of the amount appropriated under section 136(c) for the fiscal year for use under subsection (b)(2)(A), and under sections 168(b) (relating to dislocated worker technical assistance), 169(c) (relating to dislocated worker projects), and 170 (relating to <b>national dislocated</b></p>

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<p><b>national emergency grants</b>); and (B) make allotments from 80 percent of the amount appropriated under section 137(c) for a fiscal year in accordance with subsection (b)(2)(B).</p> <p>(b) ALLOTMENT AMONG STATES.—</p> <p>(1) ADULT EMPLOYMENT AND TRAINING ACTIVITIES.-- (A) RESERVATION FOR OUTLYING AREAS.— (i) IN GENERAL.--From the amount made available under subsection (a)(1) for a fiscal year, the Secretary shall reserve not more than <math>\frac{1}{4}</math> of 1 percent to provide assistance to the outlying areas.</p> <p>(ii) APPLICABILITY OF ADDITIONAL REQUIREMENTS.-- From the amount reserved under clause (i), the Secretary shall provide assistance to the outlying areas for adult employment and training activities and statewide workforce investment activities in accordance with the requirements of section 127(b)(1)(B), <del>except that the reference in section 127(b)(1)(B)(i)(II) to sections 252(d) and 262(a)(1) of the Job Training Partnership Act shall be deemed to be a reference to section 202(a)(1) of the Job Training Partnership Act (as in effect on the day before the date of enactment of this Act).</del></p> <p>(B) STATES.— (i) IN GENERAL.--After determining the amount to be reserved under subparagraph (A), the Secretary shall allot the remainder of the amount referred to in subsection (a)(1) for a fiscal year to the States pursuant to clause (ii) for adult employment and training activities and statewide workforce investment activities.</p>	<p><b>worker grants</b>); and (B) make allotments from 80 percent of the amount appropriated under section 136(c) for the fiscal year in accordance with subsection (b)(2)(B).</p> <p>(b) Allotment Among States.—</p> <p>(1) ADULT EMPLOYMENT AND TRAINING ACTIVITIES.— (A) RESERVATION FOR OUTLYING AREAS.— (i) IN GENERAL.—From the amount made available under subsection (a)(1) for a fiscal year, the Secretary shall reserve not more than <math>\frac{1}{4}</math> of 1 percent of such amount to provide assistance to the outlying areas.</p> <p>(ii) APPLICABILITY OF ADDITIONAL REQUIREMENTS.—From the amount reserved under clause (i), the Secretary shall provide assistance to the outlying areas for adult employment and training activities and statewide workforce investment activities in accordance with the requirements of section 127(b)(1)(B).</p> <p>(B) STATES.— (i) IN GENERAL.—After determining the amount to be reserved under subparagraph (A), the Secretary shall allot the remainder of the amount made available under subsection (a)(1) for that fiscal year to the States pursuant to clause (ii) for adult employment and training activities and statewide workforce investment activities.</p>

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<p>(ii) FORMULA.--Subject to clauses (iii) and (iv), of the remainder—</p> <p>(I) 33 1/3 percent shall be allotted on the basis of the relative number of unemployed individuals in areas of substantial unemployment in each State, compared to the total number of unemployed individuals in areas of substantial unemployment in all States;</p> <p>(II) 33 1/3 percent shall be allotted on the basis of the relative excess number of unemployed individuals in each State, compared to the total excess number of unemployed individuals in all States; and</p> <p>(III) 33 1/3 percent shall be allotted on the basis of the relative number of disadvantaged adults in each State, compared to the total number of disadvantaged adults in all States, except as described in clause (iii).</p> <p>(iii) CALCULATION.--In determining an allotment under clause (ii)(III) for any State in which there is a local area designated under section 116(a)(2)(B), the allotment shall be based on the higher of—</p> <p>(I) the number of adults in families with an income below the low-income level in such area; or</p> <p>(II) the number of disadvantaged adults in such area.</p> <p>(iv) MINIMUM AND MAXIMUM PERCENTAGES AND MINIMUM ALLOTMENTS.--In making allotments under this subparagraph, the Secretary shall ensure the following:</p> <p>(I) MINIMUM PERCENTAGE AND ALLOTMENT.--Subject to subclause (IV), the Secretary shall ensure that no State shall receive an allotment for a fiscal year that is less than the greater of—</p>	<p>(ii) FORMULA.—Subject to clauses (iii) and (iv), of the remainder—</p> <p>(I) 33 1/3 percent shall be allotted on the basis of the relative number of unemployed individuals in areas of substantial unemployment in each State, compared to the total number of unemployed individuals in areas of substantial unemployment in all States;</p> <p>(II) 33 1/3 percent shall be allotted on the basis of the relative excess number of unemployed individuals in each State, compared to the total excess number of unemployed individuals in all States; and</p> <p>(III) 33 1/3 percent shall be allotted on the basis of the relative number of disadvantaged adults in each State, compared to the total number of disadvantaged adults in all States, except as described in clause (iii).</p> <p>(iii) CALCULATION.—In determining an allotment under clause (ii)(III) for any State in which there is an area that was designated as a local area as described in section 107(c)(1)(C), the allotment shall be based on the higher of—</p> <p>(I) the number of adults in families with an income below the low-income level in such area; or</p> <p>(II) the number of disadvantaged adults in such area.</p> <p>(iv) MINIMUM AND MAXIMUM PERCENTAGES AND MINIMUM ALLOTMENTS.—In making allotments under this subparagraph, the Secretary shall ensure the following:</p> <p>(I) MINIMUM PERCENTAGE AND ALLOTMENT.—Subject to subclause (IV), the Secretary shall ensure that no State shall receive an allotment for a fiscal year that is an amount based on 90 percent of the allotment percentage of the State for the preceding fiscal year.</p>

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<p>(aa) an amount based on 90 percent of the allotment percentage of the State for the preceding fiscal year; <del>or</del>  <del>(bb) 100 percent of the allotment of the State under section 202 of the Job Training Partnership Act (as in effect on the day before the date of enactment of this Act) for fiscal year 1998.</del></p> <p>(II) SMALL STATE MINIMUM ALLOTMENT.--Subject to subclauses (I), (III), and (IV), the Secretary shall ensure that no State shall receive an allotment under this subparagraph that is less than the total of—</p> <p>(aa) <math>\frac{3}{10}</math> of 1 percent of \$960,000,000 of the remainder described in clause (i) for the fiscal year; and</p> <p>(bb) if the remainder described in clause (i) for the fiscal year exceeds \$960,000,000, <math>\frac{2}{5}</math> of 1 percent of the excess.</p> <p>(III) MAXIMUM PERCENTAGE.--Subject to subclause (I), the Secretary shall ensure that no State shall receive an allotment percentage for a fiscal year that is more than 130 percent of the allotment percentage of the State for the preceding fiscal year.</p> <p>(IV) MINIMUM FUNDING.--In any fiscal year in which the remainder described in clause (i) does not exceed \$960,000,000, the minimum allotments under subclauses (I) and (II) shall be calculated by the methodology for calculating the corresponding allotments under part A of title II of the Job Training Partnership Act, as in effect on July 1, 1998.</p> <p>(v) DEFINITIONS.--For the purpose of the formula specified in this subparagraph:</p>	<p>(II) SMALL STATE MINIMUM ALLOTMENT.—Subject to subclauses (I), (III), and (IV), the Secretary shall ensure that no State shall receive an allotment under this subparagraph that is less than the total of—</p> <p>(aa) <math>\frac{3}{10}</math> of 1 percent of \$960,000,000 of the remainder described in clause (i) for the fiscal year; and</p> <p>(bb) if the remainder described in clause (i) for the fiscal year exceeds \$960,000,000, <math>\frac{2}{5}</math> of 1 percent of the excess.</p> <p>(III) MAXIMUM PERCENTAGE.—Subject to subclause (I), the Secretary shall ensure that no State shall receive an allotment percentage for a fiscal year that is more than 130 percent of the allotment percentage of the State for the preceding fiscal year.</p> <p>(IV) MINIMUM FUNDING.—In any fiscal year in which the remainder described in clause (i) does not exceed \$960,000,000, the minimum allotments under subclauses (I) and (II) shall be calculated by the methodology specified in section 132(b)(1)(B)(iv)(IV) of the Workforce Investment Act of 1998 <b>(as in effect on the day before the date of enactment of this Act).</b></p> <p>(v) DEFINITIONS.—For the purpose of the formula specified in this subparagraph:</p>

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<p>(I) ADULT.--The term "adult" means an individual who is not less than age 22 and not more than age 72.</p> <p>(II) ALLOTMENT PERCENTAGE.--The term "allotment percentage", used with respect to fiscal year <del>2000</del> or a subsequent fiscal year, means a percentage of the remainder described in clause (i) that is received through an allotment made under this subparagraph for the fiscal year. The term, used with respect to fiscal year <del>1998 or 1999</del>, means the percentage of the amounts allotted to States under section 202(a) of the Job Training Partnership Act (as in effect on the day before the date of enactment of this Act) that is received under such section by the State involved for fiscal year <del>1998 or 1999</del>.</p> <p>(III) AREA OF SUBSTANTIAL UNEMPLOYMENT.--The term "area of substantial unemployment" means any area that is of sufficient size and scope to sustain a program of workforce investment activities carried out under this subtitle and that has an average rate of unemployment of at least 6.5 percent for the most recent 12 months, as determined by the Secretary. For purposes of this subclause, determinations of areas of substantial unemployment shall be made once each fiscal year.</p> <p>(IV) DISADVANTAGED ADULT.--Subject to subclause (V), the term "disadvantaged adult" means an adult who received an income, or is a member of a family that received a total family income, that, in relation to family size, does not exceed the higher of— (aa) the poverty line; or (bb) 70 percent of the lower living standard income level.</p> <p>(V) DISADVANTAGED ADULT SPECIAL RULE.--The Secretary shall, as appropriate</p>	<p>(I) ADULT.—The term “adult” means an individual who is not less than age 22 and not more than age 72.</p> <p>(II) ALLOTMENT PERCENTAGE.—The term “allotment percentage”, used with respect to fiscal year <b>2015</b> or a subsequent fiscal year, means a percentage of the remainder described in clause (i) that is received through an allotment made under this subparagraph for the fiscal year. The term, used with respect to fiscal year <b>2014</b>, means the percentage of the amount allotted to States under section 132(b)(1)(B) of the Workforce Investment Act of 1998 <b>(as in effect on the day before the date of enactment of this Act)</b> that is received under such section by the State involved for fiscal year <b>2014</b>.</p> <p>(III) AREA OF SUBSTANTIAL UNEMPLOYMENT.—The term “area of substantial unemployment” means any area that is of sufficient size and scope to sustain a program of workforce investment activities carried out under this subtitle and that has an average rate of unemployment of at least 6.5 percent for the most recent 12 months, as determined by the Secretary. For purposes of this subclause, determinations of areas of substantial unemployment shall be made once each fiscal year.</p> <p>(IV) DISADVANTAGED ADULT.—Subject to subclause (V), the term “disadvantaged adult” means an adult who received an income, or is a member of a family that received a total family income, that, in relation to family size, does not exceed the higher of— (aa) the poverty line; or (bb) 70 percent of the lower living standard income level.</p> <p>(V) DISADVANTAGED ADULT SPECIAL RULE.—The Secretary shall, as</p>

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<p>and to the extent practicable, exclude college students and members of the Armed Forces from the determination of the number of disadvantaged adults.</p> <p>(VI) EXCESS NUMBER.--The term "excess number" means, used with respect to the excess number of unemployed individuals within a State, the higher of--</p> <p>(aa) the number that represents the number of unemployed individuals in excess of 4.5 percent of the civilian labor force in the State; or</p> <p>(bb) the number that represents the number of unemployed individuals in excess of 4.5 percent of the civilian labor force in areas of substantial unemployment in such State.</p> <p>(B) LOW-INCOME LEVEL.--The term "low-income level" means \$7,000 with respect to income in 1969, and for any later year means that amount that bears the same relationship to \$7,000 as the Consumer Price Index for that year bears to the Consumer Price Index for 1969, rounded to the nearest \$1,000.</p> <p>(2) DISLOCATED WORKER EMPLOYMENT AND TRAINING.--</p> <p>(A) RESERVATION FOR OUTLYING AREAS.--</p> <p>(i) IN GENERAL.--From the amount made available under subsection (a)(2)(A) for a fiscal year, the Secretary shall reserve not more than 1/4 of 1 percent of the amount appropriated under section 137(c) for the fiscal year to provide assistance to the outlying areas.</p> <p>(ii) APPLICABILITY OF ADDITIONAL REQUIREMENTS.--</p> <p>From the amount reserved under clause (i), the Secretary shall provide assistance to the outlying areas for dislocated worker employment and training activities and statewide workforce investment activities in accordance with the</p>	<p>appropriate and to the extent practicable, exclude college students and members of the Armed Forces from the determination of the number of disadvantaged adults.</p> <p>(VI) EXCESS NUMBER.—The term “excess number” means, used with respect to the excess number of unemployed individuals within a State, the higher of—</p> <p>(aa) the number that represents the number of unemployed individuals in excess of 4.5 percent of the civilian labor force in the State; or</p> <p>(bb) the number that represents the number of unemployed individuals in excess of 4.5 percent of the civilian labor force in areas of substantial unemployment in such State.</p> <p>(VII) LOW-INCOME LEVEL.—The term “low-income level” means \$7,000 with respect to income in 1969, and for any later year means that amount that bears the same relationship to \$7,000 as the Consumer Price Index for that year bears to the Consumer Price Index for 1969, rounded to the nearest \$1,000.</p> <p>(2) DISLOCATED WORKER EMPLOYMENT AND TRAINING ACTIVITIES.—</p> <p>(A) RESERVATION FOR OUTLYING AREAS.—</p> <p>(i) IN GENERAL.—From the amount made available under subsection (a)(2)(A) for a fiscal year, the Secretary shall reserve not more than 1/4 of 1 percent of the amount appropriated under section 136(c) for the fiscal year to provide assistance to the outlying areas.</p> <p>(ii) APPLICABILITY OF ADDITIONAL REQUIREMENTS.—From the amount reserved under clause (i), the Secretary shall provide assistance to the outlying areas for dislocated worker employment and training activities and statewide workforce investment activities in accordance with the requirements of</p>

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<p>requirements of section 127(b)(1)(B), <del>except that the reference in section 127(b)(1)(B)(i)(II) to sections 252(a) and 262(a)(1) of the Job Training Partnership Act shall be deemed to be a reference to section 302(e) of the Job Training Partnership Act (as in effect on the day before the date of enactment of this Act).</del></p> <p>(B) STATES.--</p> <p>(i) IN GENERAL.--The Secretary shall allot the amount referred to in subsection (a)(2)(B) for a fiscal year to the States pursuant to clause (ii) for dislocated worker employment and training activities and statewide workforce investment activities.</p> <p>(ii) FORMULA.--Of the amount—</p> <p>(I) 33 1/3 percent shall be allotted on the basis of the relative number of unemployed individuals in each State, compared to the total number of unemployed individuals in all States;</p> <p>(II) 33 1/3 percent shall be allotted on the basis of the relative excess number of unemployed individuals in each State, compared to the total excess number of unemployed individuals in all States; and</p> <p>(III) 33 1/3 percent shall be allotted on the basis of the relative number of individuals in each State who have been unemployed for 15 weeks or more, compared to the total number of individuals in all States who have been unemployed for 15 weeks or more.</p>	<p>section 127(b)(1)(B).</p> <p>(B) STATES.—</p> <p>(i) IN GENERAL.—The Secretary shall allot the amount referred to in subsection (a)(2)(B) for a fiscal year to the States pursuant to clause (ii) for dislocated worker employment and training activities and statewide workforce investment activities.</p> <p>(ii) FORMULA.—Subject to clause (iii), of the amount—</p> <p>(I) 33 1/3 percent shall be allotted on the basis of the relative number of unemployed individuals in each State, compared to the total number of unemployed individuals in all States;</p> <p>(II) 33 1/3 percent shall be allotted on the basis of the relative excess number of unemployed individuals in each State, compared to the total excess number of unemployed individuals in all States; and</p> <p>(III) 33 1/3 percent shall be allotted on the basis of the relative number of individuals in each State who have been unemployed for 15 weeks or more, compared to the total number of individuals in all States who have been unemployed for 15 weeks or more.</p> <p>(iii) MINIMUM AND MAXIMUM PERCENTAGES AND MINIMUM ALLOTMENTS.—In making allotments under this subparagraph, for fiscal year 2016 and each subsequent fiscal year, the Secretary shall ensure the following:</p> <p>(I) MINIMUM PERCENTAGE AND ALLOTMENT.—The Secretary shall ensure</p>

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<p>(iii) DEFINITION.--In this subparagraph, the term "excess number" means, used with respect to the excess number of unemployed individuals within a State, the number that represents the number of unemployed individuals in excess of 4.5 percent of the civilian labor force in the State.</p> <p>(3) DEFINITIONS.--For the purpose of the formulas specified in this subsection:</p> <p><del>(A) FREELY ASSOCIATED STATES.--The term "Freely Associated States" means the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.</del></p> <p>(B) LOW-INCOME LEVEL.--<b>(CORRESPONDS TO ANOTHER PART IN THIS SECTION)</b></p> <p>(c) REALLOTMENT.--</p> <p>(1) IN GENERAL.--The Secretary shall, in accordance with this subsection, reallocate to eligible States amounts that are allotted under this section for employment and training activities and statewide workforce investment activities and that are available for reallocation.</p>	<p>that no State shall receive an allotment for a fiscal year that is an amount based on 90 percent of the allotment percentage of the State for the preceding fiscal year.</p> <p>(II) MAXIMUM PERCENTAGE.—Subject to subclause (I), the Secretary shall ensure that no State shall receive an allotment percentage for a fiscal year that is more than 130 percent of the allotment percentage of the State for the preceding fiscal year.</p> <p>(iv) DEFINITIONS.—For the purpose of the formula specified in this subparagraph:</p> <p>(I) ALLOTMENT PERCENTAGE.—The term "allotment percentage", used with respect to fiscal year 2015 or a subsequent fiscal year, means a percentage of the amount described in clause (i) that is received through an allotment made under this subparagraph for the fiscal year.</p> <p>(II) EXCESS NUMBER.—The term "excess number" means, used with respect to the excess number of unemployed individuals within a State, the number that represents the number of unemployed individuals in excess of 4.5 percent of the civilian labor force in the State.</p> <p>(c) Reallocation.—</p> <p>(1) IN GENERAL.—The Secretary shall, in accordance with this subsection, reallocate to eligible States amounts that are made available to States from allotments made under this section <b>or a corresponding provision of the Workforce Investment Act of 1998</b> for employment and training activities and</p>

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<p>(2) AMOUNT.--The amount available for reallocation for a program year is equal to the amount by which the unobligated balance of the State allotments under this section for such activities, at the end of the program year prior to the program year for which the determination under this paragraph is made, exceeds 20 percent of such allotments for the prior program year.</p> <p>(3) REALLOTMENT.--In making reallocations to eligible States of amounts available pursuant to paragraph (2) for a program year, the Secretary shall allot to each eligible State an amount based on the relative amount allotted to such State under this section for such activities <del>for the prior program year</del>, as compared to the total amount allotted to all eligible States under this section for such activities <del>for such prior program year</del>.</p> <p>(4) ELIGIBILITY.--<del>For purposes of this subsection, an eligible State means a State that has obligated at least 80 percent of the State allotment under this section for such activities for the program year prior to the program year for which the determination under paragraph (2) is made.</del></p>	<p>statewide workforce investment activities <b>(referred to individually in this subsection as a "State allotment")</b> and that are available for reallocation.</p> <p>(2) AMOUNT.—The amount available for reallocation for a program year for programs funded under subsection (b)(1)(B) (relating to adult employment and training) or for programs funded under subsection (b)(2)(B) (relating to dislocated worker employment and training) is equal to the amount by which the unobligated balance of the State allotments for adult employment and training activities or dislocated worker employment and training activities, respectively, at the end of the program year prior to the program year for which the determination under this paragraph is made, exceeds 20 percent of such allotments for the prior program year.</p> <p>(3) REALLOTMENT.—In making reallocations to eligible States of amounts available pursuant to paragraph (2) for a program year, the Secretary shall allot to each eligible State an amount based on the relative amount of the State allotment under paragraph (1)(B) or (2)(B), respectively, of subsection (b) <b>for the program year for which the determination is made</b>, as compared to the total amount of the State allotments under paragraph (1)(B) or (2)(B), respectively, of subsection (b) for all eligible States <b>for such program year</b>.</p> <p>(4) ELIGIBILITY.—For purposes of this subsection, an eligible State means— <b>(A) with respect to funds allotted through a State allotment for adult employment and training activities, a State that does not have an amount of such funds available for reallocation under paragraph (2) for the program year for which the determination under paragraph (2) is made; and</b> <b>(B) with respect to funds allotted through a State allotment for dislocated</b></p>

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# WIA & WIOA Side-by-Side

September 2014

Workforce Investment Act of 1998	Workforce Innovation and Opportunity Act of 2014
<p>(5) PROCEDURES.--The Governor of each State shall prescribe uniform procedures for the obligation of funds by local areas within the State in order to avoid the requirement that funds be made available for reallocation under this subsection. The Governor shall further prescribe equitable procedures for making funds available from the State and local areas in the event that a State is required to make funds available for reallocation under this subsection.</p>	<p>worker employment and training activities, a State that does not have an amount of such funds available for reallocation under paragraph (2) for the program year for which the determination under paragraph (2) is made.</p> <p>(5) PROCEDURES.—The Governor shall prescribe uniform procedures for the obligation of funds by local areas within the State in order to avoid the requirement that funds be made available for reallocation under this subsection. The Governor shall further prescribe equitable procedures for making funds available from the State and local areas in the event that a State is required to make funds available for reallocation under this subsection.</p>
<p>SEC. 133. WITHIN STATE ALLOCATIONS.</p> <p>(a) RESERVATIONS FOR STATE ACTIVITIES.--</p> <p>(1) STATEWIDE WORKFORCE INVESTMENT ACTIVITIES.--The Governor of a State shall make the reservation required under section 128(a).</p> <p>(2) STATEWIDE RAPID RESPONSE ACTIVITIES.--The Governor of the State shall reserve not more than 25 percent of the total amount allotted to the State under section 132(b)(2)(B) for a fiscal year for statewide rapid response activities described in section 134(a)(2)(A).</p> <p>(b) WITHIN STATE ALLOCATION.--</p> <p>(1) METHODS.--The Governor, acting in accordance with the State plan, and after consulting with chief elected officials in the local areas, shall allocate—</p> <p>(A) the funds that are allotted to the State for adult employment and training activities and statewide workforce investment activities under section</p>	<p>SEC. 133. WITHIN STATE ALLOCATIONS.</p> <p>(a) Reservations for State Activities.—</p> <p>(1) STATEWIDE WORKFORCE INVESTMENT ACTIVITIES.—The Governor shall make the reservation required under section 128(a).</p> <p>(2) STATEWIDE RAPID RESPONSE ACTIVITIES.—The Governor shall reserve not more than 25 percent of the total amount allotted to the State under section 132(b)(2)(B) for a fiscal year for statewide rapid response activities described in section 134(a)(2)(A).</p> <p>(b) Within State Allocation.—</p> <p>(1) METHODS.—The Governor, acting in accordance with the State plan, and after consulting with chief elected officials and local boards in the local areas, shall allocate—</p> <p>(A) the funds that are allotted to the State for adult employment and training activities and statewide workforce investment activities under section</p>

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<p>132(b)(1)(B) and are not reserved under subsection (a)(1), in accordance with paragraph (2) or (3); and</p> <p>(B) the funds that are allotted to the State for dislocated worker employment and training activities under section 132(b)(2)(B) and are not reserved under paragraph (1) or (2) of subsection (a), in accordance with paragraph (2).</p> <p>(2) FORMULA ALLOCATIONS.--</p> <p>(A) ADULT EMPLOYMENT AND TRAINING ACTIVITIES.--</p> <p>(i) ALLOCATION.--In allocating the funds described in paragraph (1)(A) to local areas, a State may allocate-</p> <p>(I) 33 1/3 percent of the funds on the basis described in section 132(b)(1)(B)(ii)(I);</p> <p>(II) 33 1/3 percent of the funds on the basis described in section 132(b)(1)(B)(ii)(II); and</p> <p>(III) 33 1/3 percent of the funds on the basis described in clauses (ii)(III) and (iii) of section 132(b)(1)(B).</p> <p>(ii) MINIMUM PERCENTAGE.--<del>Effective at the end of the second full fiscal year after the date on which a local area is designated under section 116,</del> the local area shall not receive an allocation percentage for a fiscal year that is less than 90 percent of the average allocation percentage of the local area for the 2 preceding fiscal years. Amounts necessary for increasing such allocations to local areas to comply with the preceding sentence shall be obtained by ratably reducing the allocations to be made to other local areas under this subparagraph.</p> <p><del>(iii) DEFINITION.--The term "allocation percentage", used with respect to fiscal</del></p>	<p>132(b)(1)(B) and are not reserved under subsection (a)(1), in accordance with paragraph (2) or (3); and</p> <p>(B) the funds that are allotted to the State for dislocated worker employment and training activities and statewide workforce investment activities under section 132(b)(2)(B) and are not reserved under paragraph (1) or (2) of subsection (a), in accordance with paragraph (2).</p> <p>(2) FORMULA ALLOCATIONS.—</p> <p>(A) ADULT EMPLOYMENT AND TRAINING ACTIVITIES.—</p> <p>(i) ALLOCATION.—In allocating the funds described in paragraph (1)(A) to local areas, a State may allocate—</p> <p>(I) 33 1/3 percent of the funds on the basis described in section 132(b)(1)(B)(ii)(I);</p> <p>(II) 33 1/3 percent of the funds on the basis described in section 132(b)(1)(B)(ii)(II); and</p> <p>(III) 33 1/3 percent of the funds on the basis described in clauses (ii)(III) and (iii) of section 132(b)(1)(B).</p> <p>(ii) MINIMUM PERCENTAGE.—The local area shall not receive an allocation percentage for a fiscal year that is less than 90 percent of the average allocation percentage of the local area for the 2 preceding fiscal years. Amounts necessary for increasing such allocations to local areas to comply with the preceding sentence shall be obtained by ratably reducing the allocations to be made to other local areas under this subparagraph.</p> <p>(iii) DEFINITION.—In this subparagraph, the term “allocation percentage”, used</p>

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<p>year 2000 or a subsequent fiscal year, means a percentage of the funds referred to in clause (i), received through an allocation made under this subparagraph, for the fiscal year.</p> <p>(B) DISLOCATED WORKER EMPLOYMENT AND TRAINING ACTIVITIES.--</p> <p>(i) FORMULA.--In allocating the funds described in paragraph (1)(B) to local areas, a State shall allocate the funds based on an allocation formula prescribed by the Governor of the State. Such formula may be amended by the Governor not more than once for each program year. Such formula shall utilize the most appropriate information available to the Governor to distribute amounts to address the State's worker readjustment assistance needs.</p> <p>(ii) INFORMATION.--The information described in clause (i) shall include insured unemployment data, unemployment concentrations, plant closing and mass layoff data, declining industries data, farmer-rancher economic hardship data, and long-term unemployment data.</p>	<p>with respect to fiscal year 2015 or a subsequent fiscal year, means a percentage of the funds referred to in clause (i), received through an allocation made under this subparagraph, for the fiscal year. The term, used with respect to fiscal year 2013 or 2014, means a percentage of the amount allocated to local areas under paragraphs (2)(A) and (3) of section 133(b) of the Workforce Investment Act of 1998 (as in effect on the day before the date of enactment of this Act), received through an allocation made under paragraph (2)(A) or (3) of that section for fiscal year 2013 or 2014, respectively.</p> <p>(B) DISLOCATED WORKER EMPLOYMENT AND TRAINING ACTIVITIES.—</p> <p>(i) ALLOCATION.—In allocating the funds described in paragraph (1)(B) to local areas, a State shall allocate the funds based on an allocation formula prescribed by the Governor of the State. Such formula may be amended by the Governor not more than once for each program year. Such formula shall utilize the most appropriate information available to the Governor to distribute amounts to address the State's worker readjustment assistance needs.</p> <p>(ii) INFORMATION.—The information described in clause (i) shall include insured unemployment data, unemployment concentrations, plant closing and mass layoff data, declining industries data, farmer-rancher economic hardship data, and long-term unemployment data.</p> <p>(iii) MINIMUM PERCENTAGE.—The local area shall not receive an allocation percentage for fiscal year 2016 or a subsequent fiscal year that is less than 90 percent of the average allocation percentage of the local area for the 2 preceding fiscal years. Amounts necessary for increasing such allocations to local areas to comply with the preceding sentence shall be obtained by ratably reducing the allocations to be made to other local areas under this</p>

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<p>(C) APPLICATION.--For purposes of carrying out subparagraph (A)--</p> <ul style="list-style-type: none"><li>(i) references in section 132(b) to a State shall be deemed to be references to a local area;</li><li>(ii) references in section 132(b) to all States shall be deemed to be references to all local areas in the State involved; and</li><li>(iii) except as described in clause (i), references in section 132(b)(1) to the term "excess number" shall be considered to be references to the term as defined in section 132(b)(1).</li></ul> <p>(3) ADULT EMPLOYMENT AND TRAINING DISCRETIONARY ALLOCATIONS.--In lieu of making the allocation described in paragraph (2)(A), in allocating the funds described in paragraph (1)(A) to local areas, a State may distribute—</p> <ul style="list-style-type: none"><li>(A) a portion equal to not less than 70 percent of the funds in accordance with paragraph (2)(A); and</li><li>(B) the remaining portion of the funds on the basis of a formula that—<ul style="list-style-type: none"><li>(i) incorporates additional factors (other than the factors described in paragraph (2)(A)) relating to—<ul style="list-style-type: none"><li>(I) excess poverty in urban, rural, and suburban local areas; and</li></ul></li></ul></li></ul>	<p>subparagraph.</p> <p>(iv) DEFINITION.—In this subparagraph, the term “allocation percentage”, used with respect to fiscal year 2015 or a subsequent fiscal year, means a percentage of the funds referred to in clause (i), received through an allocation made under this subparagraph for the fiscal year. The term, used with respect to fiscal year 2014, means a percentage of the amount allocated to local areas under section 133(b)(2)(B) of the Workforce Investment Act of 1998 (as in effect on the day before the date of enactment of this Act), received through an allocation made under that section for fiscal year 2014.</p> <p>(C) APPLICATION.—For purposes of carrying out subparagraph (A)—</p> <ul style="list-style-type: none"><li>(i) references in section 132(b) to a State shall be deemed to be references to a local area;</li><li>(ii) references in section 132(b) to all States shall be deemed to be references to all local areas in the State involved; and</li><li>(iii) except as described in clause (i), references in section 132(b)(1) to the term “excess number” shall be considered to be references to the term as defined in section 132(b)(1).</li></ul> <p>(3) ADULT EMPLOYMENT AND TRAINING DISCRETIONARY ALLOCATIONS.—In lieu of making the allocation described in paragraph (2)(A), in allocating the funds described in paragraph (1)(A) to local areas, a State may distribute—</p> <ul style="list-style-type: none"><li>(A) a portion equal to not less than 70 percent of the funds in accordance with paragraph (2)(A); and</li><li>(B) the remaining portion of the funds on the basis of a formula that—<ul style="list-style-type: none"><li>(i) incorporates additional factors (other than the factors described in paragraph (2)(A)) relating to—<ul style="list-style-type: none"><li>(I) excess poverty in urban, rural, and suburban local areas; and</li></ul></li></ul></li></ul>

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<p>(II) excess unemployment above the State average in urban, rural, and suburban local areas; and (ii) was developed by the State board and approved by the Secretary as part of the State plan.</p> <p>(4) TRANSFER AUTHORITY.--A local board may transfer, if such a transfer is approved by the Governor, not more than <del>20 percent of the funds allocated to the local area under paragraph (2)(A) or (3), and 20 percent of the funds allocated to the local area under paragraph (2)(B), for a fiscal year between—</del></p> <p>(A) adult employment and training activities; and (B) dislocated worker employment and training activities.</p> <p>(5) ALLOCATION.--</p> <p>(A) IN GENERAL.--The Governor of the State shall allocate the funds described in paragraph (1) to local areas under paragraphs (2) and (3) for the purpose of providing a single system of employment and training activities for adults and dislocated workers in accordance with subsections (d) and (e) of section 134.</p> <p>(B) ADDITIONAL REQUIREMENTS.—</p> <p>(i) ADULTS.--Funds allocated under paragraph (2)(A) or (3) shall be used by a local area to contribute <del>proportionately</del> to the costs of the one-stop delivery system described in section 134(c) in the local area, and to pay for employment and training activities provided to adults in the local area, consistent with section 134.</p> <p>(ii) DISLOCATED WORKERS.--Funds allocated under paragraph (2)(B) shall be used by a local area to contribute <del>proportionately</del> to the costs of the one-stop delivery system described in section 134(c) in the local area, and to pay</p>	<p>(II) excess unemployment above the State average in urban, rural, and suburban local areas; and (ii) was developed by the State board and approved by the Secretary as part of the State plan.</p> <p>(4) TRANSFER AUTHORITY.—A local board may transfer, if such a transfer is approved by the Governor, <b>up to and including 100 percent of the funds allocated to the local area under paragraph (2)(A) or (3), and up to and including 100 percent of the funds allocated to the local area under paragraph (2)(B), for a fiscal year between—</b></p> <p>(A) adult employment and training activities; and (B) dislocated worker employment and training activities.</p> <p>(5) ALLOCATION.—</p> <p>(A) IN GENERAL.—The Governor shall allocate the funds described in paragraph (1) to local areas under paragraphs (2) and (3) for the purpose of providing a single system of employment and training activities for adults and dislocated workers in accordance with subsections (c) and(d) of section 134.</p> <p>(B) ADDITIONAL REQUIREMENTS.—</p> <p>(i) ADULTS.—Funds allocated under paragraph (2)(A) or (3) shall be used by a local area to contribute to the costs of the one-stop delivery system described in section 121(e) as determined under section 121(h) and to pay for employment and training activities provided to adults in the local area, consistent with section 134.</p> <p>(ii) DISLOCATED WORKERS.—Funds allocated under paragraph (2)(B) shall be used by a local area to contribute to the costs of the one-stop delivery system described in section 121(e) as determined under section 121(h) and to pay for</p>

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<p>for employment and training activities provided to dislocated workers in the local area, consistent with section 134.</p> <p>(c) REALLOCATION AMONG LOCAL AREAS.--</p> <p>(1) IN GENERAL.--The Governor may, in accordance with this subsection, reallocate to eligible local areas within the State amounts that are allocated under paragraph (2)(A) or (3) of subsection (b) for adult employment and training activities and that are available for reallocation.</p> <p>(2) AMOUNT.--The amount available for reallocation for a program year is equal to the amount by which the unobligated balance of the local area allocation under paragraph (2)(A) or (3) of subsection (b) for such activities, at the end of the program year prior to the program year for which the determination under this paragraph is made exceeds 20 percent of such allocation for the prior program year.</p> <p>(3) REALLOCATION.--In making reallocations to eligible local areas of amounts</p>	<p>employment and training activities provided to dislocated workers in the local area, consistent with section 134.</p> <p>(c) Reallocation Among Local Areas.—</p> <p>(1) IN GENERAL.—The Governor may, in accordance with this subsection <b>and after consultation with the State board</b>, reallocate to eligible local areas within the State amounts that are made available to local areas from allocations made under paragraph (2)(A) or (3) of subsection (b) <b>or a corresponding provision of the Workforce Investment Act of 1998 for adult employment and training activities, or under subsection (b)(2)(B) or a corresponding provision of the Workforce Investment Act of 1998 for dislocated worker employment and training activities (referred to individually in this subsection as a “local allocation”)</b> and that are available for reallocation.</p> <p>(2) AMOUNT.—The amount available for reallocation for a program year—</p> <p>(A) for adult employment and training activities is equal to the amount by which the unobligated balance of the local allocation under paragraph (2)(A) or (3) of subsection (b) for such activities, at the end of the program year prior to the program year for which the determination under this subparagraph is made, exceeds 20 percent of such allocation for the prior program year; and</p> <p>(B) for dislocated worker employment and training activities is equal to the amount by which the unobligated balance of the local allocation under subsection (b)(2)(B) for such activities, at the end of the program year prior to the program year for which the determination under this subparagraph is made, exceeds 20 percent of such allocation for the prior program year.</p> <p>(3) REALLOCATION.—In making reallocations to eligible local areas of amounts</p>

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<p>available pursuant to paragraph (2) for a program year, the Governor shall allocate to each eligible local area within the State</p> <p>an amount based on the relative amount allocated to such local area under subsection (b)(3) for such activities for the prior program year, as compared to the total amount allocated to all eligible local areas in the State under subsection (b)(3) for such activities for such prior program year. For purposes of this paragraph, local areas that received allocations under subsection (b)(2)(A) for the prior program year shall be treated as if the local areas received allocations under subsection (b)(3) for such year.</p> <p>(4) ELIGIBILITY.--For purposes of this subsection, an eligible local area means a local area that has obligated at least 80 percent of the local area allocation under paragraph (2)(A) or (3) of subsection (b) for such activities, for the program year prior to the program year for which the determination under paragraph (2) is made.</p>	<p>available pursuant to paragraph (2) for a program year, the Governor shall allocate to each eligible local area within the State—</p> <p>(A) with respect to such available amounts that were allocated under paragraph (2)(A) or (3) of subsection (b), an amount based on the relative amount of the local allocation under paragraph (2)(A) or (3) of subsection (b), as appropriate, for the program year for which the determination is made, as compared to the total amount of the local allocations under paragraph (2)(A) or (3) of subsection (b), as appropriate, for all eligible local areas in the State for such program year; and</p> <p>(B) with respect to such available amounts that were allocated under subsection (b)(2)(B), an amount based on the relative amount of the local allocation under subsection (b)(2)(B) for the program year for which the determination is made, as compared to the total amount of the local allocations under subsection (b)(2)(B) for all eligible local areas in the State for such program year.</p> <p>(4) ELIGIBILITY.—For purposes of this subsection, an eligible local area means—</p> <p>(A) with respect to funds allocated through a local allocation for adult employment and training activities, a local area that does not have an amount of such funds available for reallocation under paragraph (2) for the program year for which the determination under paragraph (2) is made; and</p> <p>(B) with respect to funds allocated through a local allocation for dislocated worker employment and training activities, a local area that does not have an amount of such funds available for reallocation under paragraph (2) for the program year for which the determination under paragraph (2) is made.</p>

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<p>SEC. 134. USE OF FUNDS FOR EMPLOYMENT AND TRAINING ACTIVITIES.</p> <p>(a) STATEWIDE EMPLOYMENT AND TRAINING ACTIVITIES.--</p> <p>(1) IN GENERAL.--Funds reserved by a Governor for a State--</p> <p>(A) as described in section 133(a)(2) shall be used to carry out the statewide rapid response activities described in paragraph (2)(A); and</p> <p>(B) as described in sections 128(a) and 133(a)(1)—</p> <p>(i) shall be used to carry out the statewide employment and training activities described in paragraph (2)(B); and</p> <p>(ii) may be used to carry out any of the statewide employment and training activities described in paragraph (3), regardless of whether the funds were allotted to the State under section 127(b)(1) or under paragraph (1) or (2) of section 132(b).</p> <p>(2) REQUIRED STATEWIDE EMPLOYMENT AND TRAINING ACTIVITIES.-</p> <p>(A) STATEWIDE RAPID RESPONSE ACTIVITIES.</p> <p>--A State shall use funds reserved as described in section 133(a)(2) to carry out statewide rapid response activities, which shall include—</p> <p>(i) provision of rapid response activities, carried out in local areas by the State or by an entity designated by the State, working in conjunction with the local boards and the chief elected officials in the local areas; and</p> <p>(ii) provision of additional assistance to local areas that experience disasters, mass layoffs or plant closings, or other events that precipitate substantial increases in the number of unemployed individuals, carried out in local areas by the State or by an entity designated by the State, working in conjunction with the local boards and the chief elected officials in the local areas.</p>	<p>SEC. 134. USE OF FUNDS FOR EMPLOYMENT AND TRAINING ACTIVITIES.</p> <p>(a) Statewide Employment and Training Activities.—</p> <p>(1) IN GENERAL.—Funds reserved by a Governor—</p> <p>(A) as described in section 133(a)(2) shall be used to carry out the statewide rapid response activities described in paragraph (2)(A); and</p> <p>(B) as described in sections 128(a) and 133(a)(1)—</p> <p>(i) shall be used to carry out the statewide employment and training activities described in paragraph (2)(B); and</p> <p>(ii) may be used to carry out any of the statewide employment and training activities described in paragraph (3), regardless of whether the funds were allotted to the State under section 127(b)(1) or under paragraph (1) or (2) of section 132(b).</p> <p>(2) REQUIRED STATEWIDE EMPLOYMENT AND TRAINING ACTIVITIES.—</p> <p>(A) STATEWIDE RAPID RESPONSE ACTIVITIES.—</p> <p>(i) IN GENERAL.—A State shall carry out statewide rapid response activities using funds reserved by the Governor for the State under section 133(a)(2), which activities shall include—</p> <p>(I) provision of rapid response activities, carried out in local areas by the State or by an entity designated by the State, working in conjunction with the local boards and the chief elected officials for the local areas; and</p> <p>(II) provision of additional assistance to local areas that experience disasters, mass layoffs, or plant closings, or other events that precipitate substantial increases in the number of unemployed individuals, carried out in local areas by the State, working in conjunction with the local boards and the chief elected officials for the local areas.</p>

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<p>(B) OTHER REQUIRED STATEWIDE EMPLOYMENT AND TRAINING ACTIVITIES.--A State shall use funds reserved as described in sections 128(a) and 133(a)(1) (regardless of whether the funds were allotted to the State under section 127(b)(1) or paragraph (1) or (2) of section 132(b)) to carry out other statewide employment and training activities, which shall include—</p> <p>(i) <b>(CORRESPONDS TO ANOTHER PART IN THIS SECTION)</b></p> <p>(ii) <b>(CORRESPONDS TO ANOTHER PART IN THIS SECTION)</b></p> <p><del>(iii) providing incentive grants to local areas for regional cooperation among local boards (including local boards for a designated region as described in section 116(c)), for local coordination of activities carried out under this Act, and for exemplary performance by local areas on the local performance measures;</del></p>	<p>(ii) <b>USE OF UNOBLIGATED FUNDS.</b>—Funds reserved by a Governor under section 133(a)(2), and section 133(a)(2) of the Workforce Investment Act of 1998 (as in effect on the day before the date of enactment of this Act), to carry out this subparagraph that remain unobligated after the first program year for which such funds were allotted may be used by the Governor to carry out statewide activities authorized under subparagraph(B) or paragraph (3)(A), in addition to activities under this subparagraph.</p> <p>(B) STATEWIDE EMPLOYMENT AND TRAINING ACTIVITIES.—Funds reserved by a Governor under sections 128(a)(1) and 133(a)(1) and not used under paragraph (1)(A)(regardless of whether the funds were allotted to the States under section 127(b)(1)(C) or paragraph (1)(B) or (2)(B) of section 132(b)) shall be used for statewide employment and training activities, including—</p> <p>(i) providing assistance to—</p> <p>(I) State entities and agencies, local areas, and one-stop partners in carrying out the activities described in the State plan, including the coordination and alignment of data systems used to carry out the requirements of this Act;</p> <p>(II) local areas for carrying out the regional planning and service delivery efforts required under section 106(c);</p> <p>(III) local areas by providing information on and support for the effective development, convening, and implementation of industry or sector partnerships; and</p> <p>(IV) local areas, one-stop operators, one-stop partners, and eligible providers, including the development and training of staff, which may include the</p>

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<p>(iv) providing technical assistance to local areas that fail to meet local performance measures;</p> <p><del>(v) assisting in the establishment and operation of one-stop delivery systems described in subsection (c); and</del></p> <p>(vi) operating a fiscal and management accountability information system under section 136(f ).</p> <p><del>(i) disseminating the State list of eligible providers of training services, including eligible providers of nontraditional training services,</del></p> <p><del>(i) information identifying eligible providers of on-the-job training and customized training,</del></p>	<p>development and training of staff to provide opportunities for individuals with barriers to employment to enter in-demand industry sectors or occupations and nontraditional occupations, the development of exemplary program activities, and the provision of technical assistance to local areas that fail to meet local performance accountability measures described in section 116(c);</p> <p>(ii) providing assistance to local areas as described in section 106(b)(6);</p> <p>(iii) operating a fiscal and management accountability information system in accordance with section 116(i);</p> <p>(iv) carrying out monitoring and oversight of activities carried out under this chapter and chapter 2;</p> <p>(v) disseminating—</p> <p>(I) the State list of eligible providers of training services, including eligible providers of nontraditional training services and eligible providers of apprenticeship programs described in section 122(a)(2)(B);</p> <p>(II) information identifying eligible providers of on-the-job training, customized training, incumbent worker training, internships, paid or unpaid work experience opportunities, or transitional jobs;</p> <p>(III) information on effective outreach to, partnerships with, and services for, business;</p> <p>(IV) information on effective service delivery strategies to serve workers and job seekers;</p>

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<p>(i)and performance information and program cost information, as described in subsections (e) and (h) of section 122;</p> <p>(ii) conducting evaluations, under section 136(e), of activities authorized in this section, in coordination with the activities carried out under section 172;</p> <p>(3) ALLOWABLE STATEWIDE EMPLOYMENT AND TRAINING ACTIVITIES.- (A) IN GENERAL.--A State may use funds reserved as described in sections 128(a) and 133(a)(1) (regardless of whether the funds were allotted to the State under section 127(b)(1) or paragraph (1) or (2) of section 132(b)) to carry out additional statewide employment and training activities, which may include--</p> <p><del>(i) subject to subparagraph (B), administration by the State of the activities authorized under this section;</del></p> <p><del>(ii) provision of capacity building and technical assistance to local areas, one-stop operators, one-stop partners, and eligible providers, including the development and training of staff and the development of exemplary program activities;</del></p>	<p>(V) performance information and information on the cost of attendance (including tuition and fees) for participants in applicable programs, as described in subsections (d) and (h) of section 122; and</p> <p>(VI) information on physical and programmatic accessibility, in accordance with section 188, if applicable, and the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.), for individuals with disabilities; and</p> <p>(vi) conducting evaluations under section 116(e) of activities authorized under this chapter and chapter 2 in coordination with evaluations carried out by the Secretary under section 169(a).</p> <p>(3) ALLOWABLE STATEWIDE EMPLOYMENT AND TRAINING ACTIVITIES.— (A) IN GENERAL.—Funds reserved by a Governor under sections 128(a)(1) and 133(a)(1) and not used under paragraph (1)(A) or (2)(B) (regardless of whether the funds were allotted to the State under section 127(b)(1)(C) or paragraph (1)(B) or (2)(B) of section 132(b)) may be used to carry out additional statewide employment and training activities, which may include—</p>

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<p>(iii) <b>(CORRESPONDS TO ANOTHER PART IN THIS SECTION)</b></p> <p>(iv)(I) implementation of innovative incumbent worker training programs, which may include the establishment and implementation of an employer loan program to assist in skills upgrading; and</p> <p>(vi)(I) implementation of innovative programs for displaced homemakers, which for purposes of this subclause may include an individual who is receiving public assistance and is within 2 years of exhausting lifetime eligibility under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.); and</p> <p><del>(II) the establishment and implementation of programs targeted to empowerment zones and enterprise communities;</del></p> <p>(v) support for the identification of eligible providers of training services as required under section 122;</p> <p>(vi)(I)<b>(CORRESPONDS TO ANOTHER PART IN THIS SECTION)</b></p>	<p>(i) implementing innovative programs and strategies designed to meet the needs of all employers (including small employers) in the State, which programs and strategies may include incumbent worker training programs, customized training, sectoral and industry cluster strategies and implementation of industry or sector partnerships, career pathway programs, microenterprise and entrepreneurial training and support programs, utilization of effective business intermediaries, layoff aversion strategies, activities to improve linkages between the one-stop delivery system in the State and all employers (including small employers) in the State, and other business services and strategies that better engage employers in workforce investment activities and make the workforce development system more relevant to the needs of State and local businesses, consistent with the objectives of this title;</p> <p>(ii) developing strategies for effectively serving individuals with barriers to employment and for coordinating programs and services among one-stop partners;</p> <p>(iii) the development or identification of education and training programs that respond to real-time labor market analysis, that utilize direct assessment and prior learning assessment to measure and provide credit for prior knowledge, skills, competencies, and experiences, that evaluate such skills and competencies for adaptability, that ensure credits are portable and stackable for more skilled employment, and that accelerate course or credential completion;</p>

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<p>(II) implementation of programs to increase the number of individuals training for and placed in nontraditional employment; and</p> <p><del>(vii) carrying out other activities authorized in this section that the State determines to be necessary to assist local areas in carrying out activities described in subsection (d) or (e) through the statewide workforce investment system.</del></p>	<p>(iv) implementing programs to increase the number of individuals training for and placed in nontraditional employment;</p> <p>(v) carrying out activities to facilitate remote access to services, including training services described in subsection (c)(3), provided through a one-stop delivery system, including facilitating access through the use of technology;</p> <p>(vi) supporting the provision of career services described in subsection (c)(2) in the one-stop delivery systems in the State;</p> <p>(vii) coordinating activities with the child welfare system to facilitate provision of services for children and youth who are eligible for assistance under section 477 of the Social Security Act (42 U.S.C. 677);</p> <p>(viii) activities—</p> <p>(I) to improve coordination of workforce investment activities with economic development activities;</p> <p>(II) to improve coordination of employment and training activities with—</p> <p>(aa) child support services, and assistance provided by State and local agencies carrying out part D of title IV of the Social Security Act (42 U.S.C. 651 et seq.);</p> <p>(bb) cooperative extension programs carried out by the Department of Agriculture;</p> <p>(cc) programs carried out in local areas for individuals with disabilities, including programs carried out by State agencies relating to intellectual disabilities and developmental disabilities, activities carried out by</p>

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(iii) conduct of research and demonstrations;	<p>Statewide Independent Living Councils established under section 705 of the Rehabilitation Act of 1973 (29 U.S.C. 796d), programs funded under part B of chapter 1 of title VII of such Act (29 U.S.C. 796e et seq.), and activities carried out by centers for independent living, as defined in section 702 of such Act (29 U.S.C. 796a);</p> <p>(dd) adult education and literacy activities, including those provided by public libraries;</p> <p>(ee) activities in the corrections system that assist ex-offenders in reentering the workforce; and</p> <p>(ff) financial literacy activities including those described in section 129(b)(2)(D); and</p> <p>(III) consisting of development and dissemination of workforce and labor market information;</p> <p>(ix) conducting research and demonstration projects related to meeting the employment and education needs of adult and dislocated workers;</p> <p>(x) implementing promising services for workers and businesses, which may include providing support for education, training, skill upgrading, and statewide networking for employees to become workplace learning advisors and maintain proficiency in carrying out the activities associated with such advising;</p> <p>(xi) providing incentive grants to local areas for performance by the local areas on local performance accountability measures described in section 116(c);</p>

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<p>(B) LIMITATION.--</p> <p>(i) IN GENERAL.--Of the funds allotted to a State under sections 127(b) and 132(b) and reserved as described in sections 128(a) and 133(a)(1) for a fiscal year—</p> <p>(I) not more than 5 percent of the amount allotted under section 127(b)(1);</p> <p>(II) not more than 5 percent of the amount allotted under section 132(b)(1); and</p> <p>(III) not more than 5 percent of the amount allotted under section 132(b)(2), may be used by the State for the administration of youth activities carried out under section 129 and employment and training activities carried out under this section.</p>	<p>(xii) adopting, calculating, or commissioning for approval an economic self-sufficiency standard for the State that specifies the income needs of families, by family size, the number and ages of children in the family, and substate geographical considerations;</p> <p>(xiii) developing and disseminating common intake procedures and related items, including registration processes, materials, or software; and</p> <p>(xiv) providing technical assistance to local areas that are implementing pay-for-performance contract strategies, which technical assistance may include providing assistance with data collection, meeting data entry requirements, identifying levels of performance, and conducting evaluations of such strategies.</p> <p>(B) LIMITATION.—</p> <p>(i) IN GENERAL.—Of the funds allotted to a State under sections 127(b) and 132(b) and reserved as described in sections 128(a) and 133(a)(1) for a fiscal year—</p> <p>(I) not more than 5 percent of the amount allotted under section 127(b)(1);</p> <p>(II) not more than 5 percent of the amount allotted under section 132(b)(1); and</p> <p>(III) not more than 5 percent of the amount allotted under section 132(b)(2), may be used by the State for the administration of statewide youth workforce investment activities carried out under section 129 and statewide employment and training activities carried out under this section.</p>

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<p>(ii) USE OF FUNDS.--Funds made available for administrative costs under clause (i) may be used for the administrative cost of any of the statewide youth activities or statewide employment and training activities, regardless of whether the funds were allotted to the State under section 127(b)(1) or paragraph (1) or (2) of section 132(b).</p> <p>(b) LOCAL EMPLOYMENT AND TRAINING ACTIVITIES.—Funds allocated to a local area for adults under paragraph (2)(A) or (3), as appropriate, of section 133(b), and funds allocated to a local area for dislocated workers under section 133(b)(2)(B)—</p> <p>(1) shall be used to carry out employment and training activities described in subsection (d) for adults or dislocated workers, respectively; and</p> <p>(2) may be used to carry out employment and training activities described in subsection (e) for adults or dislocated workers, respectively.</p> <p><del>(c) ESTABLISHMENT OF ONE-STOP DELIVERY SYSTEM.—</del></p> <p><del>(1) IN GENERAL.—There shall be established in a State that receives an allotment under section 132(b) a one-stop delivery system, which—</del></p> <p><del>(A) shall provide the core services described in subsection (d)(2);</del></p> <p><del>(B) shall provide access to intensive services and training services as described in paragraphs (3) and (4) of subsection (d), including serving as the point of access to individual training accounts for training services to participants in accordance with subsection (d)(4)(G);</del></p> <p><del>(C) shall provide access to the activities carried out under subsection (e), if any;</del></p> <p><del>(D) shall provide access to programs and activities carried out by one-stop partners and described in section 121(b); and</del></p> <p><del>(E) shall provide access to the information described in section 15 of the</del></p>	<p>(ii) USE OF FUNDS.—Funds made available for administrative costs under clause (i) may be used for the administrative cost of any of the statewide youth workforce investment activities or statewide employment and training activities, regardless of whether the funds were allotted to the State under section 127(b)(1) or paragraph (1) or (2) of section 132(b).</p> <p>(b) Local Employment and Training Activities.—Funds allocated to a local area for adults under paragraph (2)(A) or (3), as appropriate, of section 133(b), and funds allocated to a local area for dislocated workers under section 133(b)(2)(B)—</p> <p>(1) shall be used to carry out employment and training activities described in subsection (c) for adults or dislocated workers, respectively; and</p> <p>(2) may be used to carry out employment and training activities described in subsection (d) for adults or dislocated workers, respectively.</p>

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<p><del>Wagner Peyser Act and all job search, placement, recruitment, and other labor exchange services authorized under the Wagner Peyser Act (29 U.S.C. 49 et seq.).</del></p> <p><del>(2) ONE-STOP DELIVERY.--At a minimum, the one-stop delivery system--</del></p> <p><del>(A) shall make each of the programs, services, and activities described in paragraph (1) accessible at not less than one physical center in each local area of the State; and</del></p> <p><del>(B) may also make programs, services, and activities described in paragraph (1) available--</del></p> <p><del>(i) through a network of affiliated sites that can provide one or more of the programs, services, and activities to individuals; and</del></p> <p><del>(ii) through a network of eligible one-stop partners--</del></p> <p><del>(I) in which each partner provides one or more of the programs, services, and activities to such individuals and is accessible at an affiliated site that consists of a physical location or an electronically or technologically linked access point; and</del></p> <p><del>(II) that assures individuals that information on the availability of the core services will be available regardless of where the individuals initially enter the statewide workforce investment system, including information made available through an access point described in subclause (I).</del></p> <p><del>(3) SPECIALIZED CENTERS.--The centers and sites described in paragraph (2) may have a specialization in addressing special needs, such as the needs of dislocated workers.</del></p> <p>(d) REQUIRED LOCAL EMPLOYMENT AND TRAINING ACTIVITIES.--</p> <p>(1) IN GENERAL.--</p> <p>(A) ALLOCATED FUNDS.--Funds allocated to a local area for adults under paragraph (2)(A) or (3), as appropriate, of section 133(b), and funds allocated to the local area for dislocated workers under section 133(b)(2)(B), shall</p>	<p>(c) Required Local Employment and Training Activities.—</p> <p>(1) IN GENERAL.—</p> <p>(A) ALLOCATED FUNDS.—Funds allocated to a local area for adults under paragraph (2)(A) or (3), as appropriate, of section 133(b), and funds allocated to the local area for dislocated workers under section 133(b)(2)(B), shall</p>

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<p>be used-</p> <ul style="list-style-type: none"><li>(i) to establish a one-stop delivery system described in subsection (c);</li><li>(ii) to provide the <del>core services</del> described in paragraph (2) to adults and dislocated workers, respectively, through the one-stop delivery system in accordance with such paragraph;</li><li>(iii) to provide the <del>intensive services</del> described in paragraph (3) to adults and dislocated workers, respectively, described in such paragraph; and</li><li>(iv) to provide training services described in paragraph (4) to adults and dislocated workers, respectively, described in such paragraph.</li></ul> <p>(B) OTHER FUNDS.--A portion of the funds made available under Federal law authorizing the programs and activities described in section 121(b)(1)(B), including the Wagner- Peyser Act (29 U.S.C. 49 et seq.), shall be used as described in clauses (i) and (ii) of subparagraph (A), to the extent not inconsistent with the Federal law involved.</p> <p>(2) <del>CORE</del> SERVICES. --Funds described in paragraph (1)(A) shall be used to provide core services, which shall be available to individuals who are adults or dislocated workers through the one-stop delivery system and shall, at a minimum, include--</p> <p>(A) determinations of whether the individuals are eligible to receive assistance under this subtitle;</p>	<p>be used—</p> <ul style="list-style-type: none"><li>(i) to establish a one-stop delivery system described in section 121(e);</li><li>(ii) to provide the <b>career services</b> described in paragraph (2) to adults and dislocated workers, respectively, through the one-stop delivery system in accordance with such paragraph;</li><li>(iii) to provide training services described in paragraph (3) to adults and dislocated workers, respectively, described in such paragraph;</li><li>(iv) to establish and develop relationships and networks with large and small employers and their intermediaries; and</li><li>(v) to develop, convene, or implement industry or sector partnerships.</li></ul> <p>(B) OTHER FUNDS.—Consistent with subsections (h) and (i) of section 121, a portion of the funds made available under Federal law authorizing the programs and activities described in section 121(b)(1)(B), including the Wagner-Peyser Act (29 U.S.C. 49 et seq.), shall be used as described in clauses (i) and (ii) of subparagraph (A), to the extent not inconsistent with the Federal law involved.</p> <p>(2) <b>CAREER</b> SERVICES.— (A) SERVICES PROVIDED.—Funds described in paragraph (1) shall be used to provide career services, which shall be available to individuals who are adults or dislocated workers through the one-stop delivery system and shall, at a minimum, include—</p> <p>(i) determinations of whether the individuals are eligible to receive assistance under this subtitle;</p>

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<p>(B) outreach, intake (which may include worker profiling), and orientation to the information and other services available through the one-stop delivery system;</p> <p>(C) initial assessment of skill levels, aptitudes, abilities, and supportive service needs;</p> <p>(D) job search and placement assistance, and where appropriate, career counseling;</p> <p>(E) provision of employment statistics information, including the provision of accurate information relating to local, regional, and national labor market areas, including—</p> <ul style="list-style-type: none"><li>(i) job vacancy listings in such labor market areas;</li><li>(ii) information on job skills necessary to obtain the jobs described</li></ul>	<p>(ii) outreach, intake (which may include worker profiling), and orientation to the information and other services available through the one-stop delivery system;</p> <p>(iii) initial assessment of skill levels (including literacy, numeracy, and English language proficiency), aptitudes, abilities (including skills gaps), and supportive service needs;</p> <p>(iv) labor exchange services, including—</p> <ul style="list-style-type: none"><li>(I) job search and placement assistance and, in appropriate cases, career counseling, including—<ul style="list-style-type: none"><li>(aa) provision of information on in-demand industry sectors and occupations; and</li><li>(bb) provision of information on nontraditional employment; and</li></ul></li><li>(II) appropriate recruitment and other business services on behalf of employers, including small employers, in the local area, which services may include services described in this subsection, such as providing information and referral to specialized business services not traditionally offered through the one-stop delivery system;</li></ul> <p>(v) provision of referrals to and coordination of activities with other programs and services, including programs and services within the one-stop delivery system and, in appropriate cases, other workforce development programs;</p> <p>(vi) provision of workforce and labor market employment statistics information, including the provision of accurate information relating to local, regional, and national labor market areas, including—</p> <ul style="list-style-type: none"><li>(I) job vacancy listings in such labor market areas;</li><li>(II) information on job skills necessary to obtain the jobs described</li></ul>

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<p>in clause (i); and (iii) information relating to local occupations in demand and the earnings and skill requirements for such occupations; and</p> <p>(F) provision of performance information and program cost information on eligible providers of training services as described in section 122, provided by program, and eligible providers of youth activities described in section 123, providers of adult education described in title II, providers of postsecondary vocational education activities and vocational education activities available to school dropouts under the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2301 et seq.), and providers of vocational rehabilitation program activities described in title I of the Rehabilitation Act of 1973 (29 U.S.C. 720 et seq.);</p> <p>(G) provision of information regarding how the local area is performing on the local performance measures and any additional performance information with respect to the one-stop delivery system in the local area;</p> <p>(H) provision of accurate information relating to the availability of supportive services, including child care and transportation, available in the local area, and referral to such services, as appropriate;</p>	<p>in subclause (I); and (III) information relating to local occupations in demand and the earnings, skill requirements, and opportunities for advancement for such occupations; and</p> <p>(vii) provision of performance information and program cost information on eligible providers of training services as described in section 122, provided by program, and eligible providers of youth workforce investment activities described in section 123, providers of adult education described in title II, providers of career and technical education activities at the postsecondary level, and career and technical education activities available to school dropouts, under the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2301 et seq.), and providers of vocational rehabilitation services described in title I of the Rehabilitation Act of 1973 (29 U.S.C. 720 et seq.);</p> <p>(viii) provision of information, in formats that are usable by and understandable to one-stop center customers, regarding how the local area is performing on the local performance accountability measures described in section 116(c) and any additional performance information with respect to the one-stop delivery system in the local area;</p> <p>(ix)(I) provision of information, in formats that are usable by and understandable to one-stop center customers, relating to the availability of supportive services or assistance, including childcare, child support, medical or child health assistance under title XIX or XXI of the Social Security Act (42 U.S.C. 1396 et seq. and 1397aa et seq.), benefits under the supplemental nutrition assistance program established under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.), assistance through the earned income tax credit</p>

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<p>(I) provision of information regarding filing claims for unemployment compensation;</p> <p>(J) assistance in establishing eligibility for—</p> <p><del>(i) welfare to work activities authorized under section 403(a)(5) of the Social Security Act (as added by section 5001 of the Balanced Budget Act of 1997) available in the local area; and</del></p> <p>(ii) programs of financial aid assistance for training and education programs that are not funded under this Act and are available in the local area; and</p> <p><b>(C) TYPES OF SERVICES.--Such intensive services may include the following:</b></p> <p>(i) Comprehensive and specialized assessments of the skill levels and service needs of adults and dislocated workers, which may include—</p> <p>(I) diagnostic testing and use of other assessment tools; and</p> <p>(II) in-depth interviewing and evaluation to identify employment barriers and appropriate employment goals.</p>	<p>under section 32 of the Internal Revenue Code of 1986, and assistance under a State program for temporary assistance for needy families funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) and other supportive services and transportation provided through funds made available under such part, available in the local area; and</p> <p>(II) referral to the services or assistance described in subclause (I), as appropriate;</p> <p>(x) provision of information and assistance regarding filing claims for unemployment compensation;</p> <p>(xi) assistance in establishing eligibility for programs of financial aid assistance for training and education programs that are not funded under this Act;</p> <p>(xii) services, if determined to be appropriate in order for an individual to obtain or retain employment, that consist of—</p> <p>(I) comprehensive and specialized assessments of the skill levels and service needs of adults and dislocated workers, which may include—</p> <p>(aa) diagnostic testing and use of other assessment tools; and</p> <p>(bb) in-depth interviewing and evaluation to identify employment barriers and appropriate employment goals;</p>

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<p>(ii) Development of an individual employment plan, to identify the employment goals, appropriate achievement objectives, and appropriate combination of services for the participant to achieve the employment goals.</p> <p>(iii) Group counseling.</p> <p>(iv) Individual counseling and career planning.</p> <p><del>(v) Case management for participants seeking training services under paragraph (4).</del></p> <p>(vi) Short-term prevocational services, including development of learning skills, communication skills, interviewing skills, punctuality, personal maintenance skills, and professional conduct, to prepare individuals for unsubsidized employment or training.</p>	<p>(II) development of an individual employment plan, to identify the employment goals, appropriate achievement objectives, and appropriate combination of services for the participant to achieve the employment goals, including providing information on eligible providers of training services pursuant to paragraph (3)(F)(ii), and career pathways to attain career objectives;</p> <p>(III) group counseling;</p> <p>(IV) individual counseling;</p> <p>(V) career planning;</p> <p>(VI) short-term prevocational services, including development of learning skills, communication skills, interviewing skills, punctuality, personal maintenance skills, and professional conduct, to prepare individuals for unsubsidized employment or training;</p> <p>(VII) internships and work experiences that are linked to careers;</p> <p>(VIII) workforce preparation activities;</p> <p>(IX) financial literacy services, such as the activities described in section 129(b)(2)(D);</p> <p>(X) out-of-area job search assistance and relocation assistance; or</p> <p>(XI) English language acquisition and integrated education and training</p>

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<p>(K) followup services, including counseling regarding the workplace, for participants in workforce investment activities authorized under this subtitle who are placed in unsubsidized employment, for not less than 12 months after the first day of the employment, as appropriate.</p> <p><del>(3) INTENSIVE SERVICES.—</del>  <del>(A) IN GENERAL.—Funds allocated to a local area for adults under paragraph (2)(A) or (3), as appropriate, of section 133(b), and funds allocated to the local area for dislocated workers under section 133(b)(2)(B), shall be used to provide intensive services to adults and dislocated workers, respectively—</del>  <del>(i)(I) who are unemployed and are unable to obtain employment through core services provided under paragraph (2); and</del>  <del>(II) who have been determined by a one-stop operator to be in need of more intensive services in order to obtain employment; or</del>  <del>(ii) who are employed, but who are determined by a one-stop operator to be in need of such intensive services in order to obtain or retain employment that allows for self-sufficiency.</del></p> <p>(B) DELIVERY OF SERVICES.--Such <del>intensive</del> services shall be provided through the one-stop delivery system—          (i) directly through one-stop operators identified pursuant to section 121(d); or          (ii) through contracts with service providers, which may include contracts with public, private for- profit, and private nonprofit service providers, approved by the local board.</p> <p>(C) TYPES OF SERVICES.—<b>(CORRESPONDS TO ANOTHER PART IN THIS</b></p>	<p>programs; and</p> <p>(xiii) followup services, including counseling regarding the workplace, for participants in workforce investment activities authorized under this subtitle who are placed in unsubsidized employment, for not less than 12 months after the first day of the employment, as appropriate.</p> <p><b>(B) USE OF PREVIOUS ASSESSMENTS.—A one-stop operator or one-stop partner shall not be required to conduct a new interview, evaluation, or assessment of a participant under subparagraph (A)(xii) if the one-stop operator or one-stop partner determines that it is appropriate to use a recent interview, evaluation, or assessment of the participant conducted pursuant to another education or training program.</b></p> <p>(C) DELIVERY OF SERVICES.—The career services described in subparagraph (A) shall be provided through the one-stop delivery system—          (i) directly through one-stop operators identified pursuant to section 121(d); or          (ii) through contracts with service providers, which may include contracts with public, private for-profit, and private nonprofit service providers, approved by the local board.</p>

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<p><b>SECTION)</b></p> <p>(4) TRAINING SERVICES.--</p> <p>(A) IN GENERAL.--Funds allocated to a local area for adults under paragraph (2)(A) or (3), as appropriate, of section 133(b), and funds allocated to a local area for dislocated workers under section 133(b)(2)(B) shall be used to provide training services to adults and dislocated workers, respectively—</p> <p><del>(i) who have met the eligibility requirements for intensive services under paragraph (3)(A) and who are unable to obtain or retain employment through such services;</del></p> <p>(ii) who after an interview, evaluation, or assessment, and case management, have been determined by a one-stop operator or one-stop partner, as appropriate, to be in need of training services</p> <p>and to have the skills and qualifications to successfully participate in the selected program of training services;</p> <p>(iii) who select programs of training services that are directly linked to the employment opportunities in the local area involved or in another area in which the adults or dislocated workers receiving such services are willing to relocate;</p>	<p>(3) TRAINING SERVICES.—</p> <p>(A) IN GENERAL.—</p> <p>(i) ELIGIBILITY.—Except as provided in clause (ii), funds allocated to a local area for adults under paragraph (2)(A) or (3), as appropriate, of section 133(b), and funds allocated to the local area for dislocated workers under section 133(b)(2)(B), shall be used to provide training services to adults and dislocated workers, respectively—</p> <p>(I) who, after an interview, evaluation, or assessment, and career planning, have been determined by a one-stop operator or one-stop partner, as appropriate, to—</p> <p>(aa) be unlikely or unable to obtain or retain employment, that leads to economic self-sufficiency or wages comparable to or higher than wages from previous employment, through the career services described in paragraph (2)(A)(xii);</p> <p>(bb) be in need of training services to obtain or retain employment that leads to economic self-sufficiency or wages comparable to or higher than wages from previous employment; and</p> <p>(cc) have the skills and qualifications to successfully participate in the selected program of training services;</p> <p>(II) who select programs of training services that are directly linked to the employment opportunities in the local area or the planning region, or in another area to which the adults or dislocated workers are willing to commute or relocate;</p>

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<p>(iv) who meet the requirements of subparagraph (B); and</p> <p>(v) who are determined to be eligible in accordance with the priority system, if any, in effect under subparagraph (E).</p>	<p>(III) who meet the requirements of subparagraph (B); and</p> <p>(IV) who are determined to be eligible in accordance with the priority system in effect under subparagraph (E).</p> <p>(ii) USE OF PREVIOUS ASSESSMENTS.—A one-stop operator or one-stop partner shall not be required to conduct a new interview, evaluation, or assessment of a participant under clause (i) if the one-stop operator or one-stop partner determines that it is appropriate to use a recent interview, evaluation, or assessment of the participant conducted pursuant to another education or training program.</p> <p>(iii) RULE OF CONSTRUCTION.—Nothing in this subparagraph shall be construed to mean an individual is required to receive career services prior to receiving training services.</p>
<p>(B) QUALIFICATION.--</p> <p>(i) REQUIREMENT.--Except as provided in clause (ii), provision of such training services shall be limited to individuals who—</p> <p>(I) are unable to obtain other grant assistance for such services, including Federal Pell Grants established under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.); or</p> <p>(II) require assistance beyond the assistance made available under other grant assistance programs, including Federal Pell Grants.</p> <p>(ii) REIMBURSEMENTS.--Training services may be provided under this paragraph to an individual who otherwise meets the requirements of this</p>	<p>(B) QUALIFICATION.—</p> <p>(i) REQUIREMENT.—Notwithstanding section 479B of the Higher Education Act of 1965 (20 U.S.C. 1087uu) and except as provided in clause (ii), provision of such training services shall be limited to individuals who—</p> <p>(I) are unable to obtain other grant assistance for such services, including Federal Pell Grants established under subpart 1 of part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070a et seq.); or</p> <p>(II) require assistance beyond the assistance made available under other grant assistance programs, including Federal Pell Grants.</p> <p>(ii) REIMBURSEMENTS.—Training services may be provided under this paragraph to an individual who otherwise meets the requirements of this</p>

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<p>paragraph while an application for a Federal Pell Grant is pending, except that if such individual is subsequently awarded a Federal Pell Grant, appropriate reimbursement shall be made to the local area from such Federal Pell Grant.</p>	<p>paragraph while an application for a Federal Pell Grant is pending, except that if such individual is subsequently awarded a Federal Pell Grant, appropriate reimbursement shall be made to the local area from such Federal Pell Grant.</p>
<p>(C) PROVIDER QUALIFICATION.--Training services shall be provided through providers identified in accordance with section 122.</p>	<p>(iii) <b>CONSIDERATION.</b>—In determining whether an individual requires assistance under clause (i)(II), a one-stop operator (or one-stop partner, where appropriate) may take into consideration the full cost of participating in training services, including the costs of dependent care and transportation, and other appropriate costs.</p> <p>(C) PROVIDER QUALIFICATION.—Training services shall be provided through providers identified in accordance with section 122.</p>
<p>(D) TRAINING SERVICES.--Training services may include—</p> <ul style="list-style-type: none"><li>(i) occupational skills training, including training for nontraditional employment;</li><li>(ii) on-the-job training;</li><li>(iii) programs that combine workplace training with related instruction, which may include cooperative education programs;</li><li>(iv) training programs operated by the private sector;</li><li>(v) skill upgrading and retraining;</li><li>(vi) entrepreneurial training;</li><li>(vii) job readiness training;</li><li>(viii) adult education and literacy activities provided in combination with services described in any of clauses (i) through (vii); and</li></ul>	<p>(D) TRAINING SERVICES.—Training services may include—</p> <ul style="list-style-type: none"><li>(i) occupational skills training, including training for nontraditional employment;</li><li>(ii) on-the-job training;</li><li>(iii) <b>incumbent worker training in accordance with subsection (d)(4);</b></li><li>(iv) programs that combine workplace training with related instruction, which may include cooperative education programs;</li><li>(v) training programs operated by the private sector;</li><li>(vi) skill upgrading and retraining;</li><li>(vii) entrepreneurial training;</li><li>(viii) <b>transitional jobs in accordance with subsection (d)(5);</b></li><li>(ix) <b>job readiness training provided in combination with services described in any of clauses (i) through (viii);</b></li><li>(x) <b>adult education and literacy activities, including activities of English language acquisition and integrated education and training programs, provided concurrently or</b> in combination with services described</li></ul>

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<p>(ix) customized training conducted with a commitment by an employer or group of employers to employ an individual upon successful completion of the training.</p> <p>(E) PRIORITY.--In the event that funds allocated to a local area for adult employment and training activities under paragraph (2)(A) or (3) of section 133(b) are limited, priority shall be given to recipients of public assistance and other low-income individuals for intensive services and training services. The appropriate local board and the Governor shall direct the one-stop operators in the local area with regard to making determinations related to such priority.</p> <p>(F) CONSUMER CHOICE REQUIREMENTS.--</p> <p>(i) IN GENERAL.--Training services provided under this paragraph shall be provided in a manner that maximizes consumer choice in the selection of an eligible provider of such services.</p> <p>(ii) ELIGIBLE PROVIDERS.--Each local board, through one-stop centers referred to in subsection (c), shall make available—</p> <p>(I) the State list of eligible providers of training services required under section 122(e), with a description of the programs through which the providers may offer the training services, and the information identifying eligible providers of on-the-job training and customized training required under section 122(h); and</p> <p>(II) the performance information and performance cost information relating to eligible providers of training services described in subsections (e) and (h) of section 122.</p>	<p>in any of clauses (i) through (vii); and</p> <p>(xi) customized training conducted with a commitment by an employer or group of employers to employ an individual upon successful completion of the training.</p> <p>(E) PRIORITY.—With respect to funds allocated to a local area for adult employment and training activities under paragraph (2)(A) or (3) of section 133(b), priority shall be given to recipients of public assistance, other low-income individuals, and individuals who are basic skills deficient for receipt of career services described in paragraph (2)(A)(xii) and training services. The appropriate local board and the Governor shall direct the one-stop operators in the local area with regard to making determinations related to such priority.</p> <p>(F) CONSUMER CHOICE REQUIREMENTS.—</p> <p>(i) IN GENERAL.—Training services provided under this paragraph shall be provided in a manner that maximizes consumer choice in the selection of an eligible provider of such services.</p> <p>(ii) ELIGIBLE PROVIDERS.—Each local board, through one-stop centers, shall make available the list of eligible providers of training services described in section 122(d), and accompanying information, in accordance with section 122(d).</p>

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<p>(G) USE OF INDIVIDUAL TRAINING ACCOUNTS.--</p> <p>(i) IN GENERAL.--Except as provided in clause (ii), training services provided under this paragraph shall be provided through the use of individual training accounts in accordance with this paragraph, and shall be provided to eligible individuals through the one-stop delivery system.</p> <p>(ii) <del>EXCEPTIONS</del>.--Training services authorized under this paragraph may be provided pursuant to a contract for services in lieu of an individual training account if the requirements of subparagraph (F) are met and if—</p>	<p>(iii) INDIVIDUAL TRAINING ACCOUNTS.—An individual who seeks training services and who is eligible pursuant to subparagraph (A), may, in consultation with a career planner, select an eligible provider of training services from the list of providers described in clause (ii). Upon such selection, the one-stop operator involved shall, to the extent practicable, refer such individual to the eligible provider of training services, and arrange for payment for such services through an individual training account.</p> <p>(iv) COORDINATION.—Each local board may, through one-stop centers, coordinate funding for individual training accounts with funding from other Federal, State, local, or private job training programs or sources to assist the individual in obtaining training services.</p> <p>(v) ADDITIONAL INFORMATION.—Priority consideration shall, consistent with clause (i), be given to programs that lead to recognized postsecondary credentials that are aligned with in-demand industry sectors or occupations in the local area involved.</p> <p>(G) USE OF INDIVIDUAL TRAINING ACCOUNTS.—</p> <p>(i) IN GENERAL.—Except as provided in clause (ii), training services provided under this paragraph shall be provided through the use of individual training accounts in accordance with this paragraph, and shall be provided to eligible individuals through the one-stop delivery system.</p> <p>(ii) <b>TRAINING CONTRACTS</b>.—Training services authorized under this paragraph may be provided pursuant to a contract for services in lieu of an individual training account if—</p> <p><b>(I) the requirements of subparagraph (F) are met;</b></p>

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<p>(I) such services are on-the-job training provided by an employer or customized training;</p> <p>(II) the local board determines there are an insufficient number of eligible providers of training services in the local area involved (such as in a rural area) to accomplish the purposes of a system of individual training accounts; <del>or</del></p> <p>(III) the local board determines that there is a training services program of demonstrated effectiveness offered in the local area by a community-based organization or another private organization to serve special participant populations that face multiple barriers to employment.</p> <p>(iii) LINKAGE TO OCCUPATIONS IN DEMAND.--Training services provided under this paragraph shall be directly linked to occupations that are in demand in the local area, or in another area to which an adult or dislocated worker receiving such services is willing to relocate, except that a local board may</p>	<p>(II) such services are on-the-job training, customized training, <b>incumbent worker training, or transitional employment;</b></p> <p>(III) the local board determines there are an insufficient number of eligible providers of training services in the local area involved (such as in a rural area) to accomplish the purposes of a system of individual training accounts;</p> <p>(IV) the local board determines that there is a training services program of demonstrated effectiveness offered in the local area by a community-based organization or another private organization to serve individuals with barriers to employment;</p> <p><b>(V) the local board determines that—</b> <b>(aa) it would be most appropriate to award a contract to an institution of higher education or other eligible provider of training services in order to facilitate the training of multiple individuals in in-demand industry sectors or occupations; and</b> <b>(bb) such contract does not limit customer choice; or</b> <b>(VI) the contract is a pay-for-performance contract.</b></p> <p>(iii) LINKAGE TO OCCUPATIONS IN DEMAND.—Training services provided under this paragraph shall be directly linked to an in-demand industry sector or occupation in the local area or the planning region, or in another area to which an adult or dislocated worker receiving such services is willing</p>

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<p>approve training services for occupations determined by the local board to be in sectors of the economy that have a high potential for sustained demand or growth in the local area.</p> <p><del>(iv) DEFINITION.—In this subparagraph, the term "special participant population that faces multiple barriers to employment" means a population of low-income individuals that is included in one or more of the following categories:</del></p> <p><del>(I) Individuals with substantial language or cultural barriers.</del></p> <p><del>(II) Offenders.</del></p> <p><del>(III) Homeless individuals.</del></p> <p><del>(IV) Other hard-to-serve populations as defined by the Governor involved.</del></p>	<p>to relocate, except that a local board may approve training services for occupations determined by the local board to be in sectors of the economy that have a high potential for sustained demand or growth in the local area.</p> <p>(iv) RULE OF CONSTRUCTION.—Nothing in this paragraph shall be construed to preclude the combined use of individual training accounts and contracts in the provision of training services, including arrangements that allow individuals receiving individual training accounts to obtain training services that are contracted for under clause (ii).</p> <p>(H) REIMBURSEMENT FOR ON-THE-JOB TRAINING.—</p> <p>(i) REIMBURSEMENT LEVEL.—For purposes of the provision of on-the-job training under this paragraph, the Governor or local board involved may increase the amount of the reimbursement described in section 3(44) to an amount of up to 75 percent of the wage rate of a participant for a program carried out under chapter 2 or this chapter, if, respectively—</p> <p>(I) the Governor approves the increase with respect to a program carried out with funds reserved by the State under that chapter, taking into account the factors described in clause (ii); or</p> <p>(II) the local board approves the increase with respect to a program carried out with funds allocated to a local area under such chapter, taking into account those factors.</p> <p>(ii) FACTORS.—For purposes of clause (i), the Governor or local board, respectively, shall take into account factors consisting of—</p> <p>(I) the characteristics of the participants;</p> <p>(II) the size of the employer;</p> <p>(III) the quality of employer-provided training and advancement opportunities; and</p> <p>(IV) such other factors as the Governor or local board, respectively, may</p>

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<p>(e) PERMISSIBLE LOCAL EMPLOYMENT AND TRAINING ACTIVITIES.--</p> <p>(1) <b>DISCRETIONARY ONE-STOP DELIVERY ACTIVITIES.</b>--Funds allocated to a local area for adults under paragraph (2)(A) or (3), as appropriate, of section 133(b), and funds allocated to the local area for dislocated workers under section 133(b)(2)(B), may be used to provide, through one-stop delivery described in subsection (c)(2)—</p> <p>(A) customized screening and referral of qualified participants in training services described in subsection (d)(4) to employment; and</p> <p>(B) customized employment-related services to employers on a fee-for-service basis.</p>	<p>determine to be appropriate, which may include the number of employees participating in the training, wage and benefit levels of those employees (at present and anticipated upon completion of the training), and relation of the training to the competitiveness of a participant.</p> <p>(d) Permissible Local Employment and Training Activities.—</p> <p>(1) IN GENERAL.—</p> <p>(A) ACTIVITIES.—Funds allocated to a local area for adults under paragraph (2)(A) or (3), as appropriate, of section 133(b), and funds allocated to the local area for dislocated workers under section 133(b)(2)(B), may be used to provide, through the one-stop delivery system involved (and through collaboration with the local board, for the purpose of the activities described in clauses (vii) and (ix))—</p> <p>(i) customized screening and referral of qualified participants in training services described in subsection (c)(3) to employers;</p> <p>(ii) customized employment-related services to employers, employer associations, or other such organizations on a fee-for-service basis;</p> <p>(iii) implementation of a pay-for-performance contract strategy for training services, for which the local board may reserve and use not more than 10 percent of the total funds allocated to the local area under paragraph (2) or (3) of section 133(b);</p> <p>(iv) customer support to enable individuals with barriers to employment (including individuals with disabilities) and veterans, to navigate among multiple services and activities for such populations;</p> <p>(v) technical assistance for one-stop operators, one-stop partners, and eligible providers of training services, regarding the provision of services to individuals</p>

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	<p>with disabilities in local areas, including the development and training of staff, the provision of outreach, intake, assessments, and service delivery, the coordination of services across providers and programs, and the development of performance accountability measures;</p> <p>(vi) employment and training activities provided in coordination with—</p> <p>(I) child support enforcement activities of the State and local agencies carrying out part D of title IV of the Social Security Act (42 U.S.C. 651 et seq.);</p> <p>(II) child support services, and assistance, provided by State and local agencies carrying out part D of title IV of the Social Security Act (42 U.S.C. 651 et seq.);</p> <p>(III) cooperative extension programs carried out by the Department of Agriculture; and</p> <p>(IV) activities to facilitate remote access to services provided through a one-stop delivery system, including facilitating access through the use of technology;</p> <p>(vii) activities—</p> <p>(I) to improve coordination between workforce investment activities and economic development activities carried out within the local area involved, and to promote entrepreneurial skills training and microenterprise services;</p> <p>(II) to improve services and linkages between the local workforce investment system (including the local one-stop delivery system) and employers, including small employers, in the local area, through services described in this section; and</p> <p>(III) to strengthen linkages between the one-stop delivery system and unemployment insurance programs;</p>

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	<p>(viii) training programs for displaced homemakers and for individuals training for nontraditional occupations, in conjunction with programs operated in the local area;</p> <p>(ix) activities to provide business services and strategies that meet the workforce investment needs of area employers, as determined by the local board, consistent with the local plan under section 108, which services—</p> <p>(I) may be provided through effective business intermediaries working in conjunction with the local board, and may also be provided on a fee-for-service basis or through the leveraging of economic development, philanthropic, and other public and private resources in a manner determined appropriate by the local board; and</p> <p>(II) may include—</p> <p>(aa) developing and implementing industry sector strategies (including strategies involving industry partnerships, regional skills alliances, industry skill panels, and sectoral skills partnerships);</p> <p>(bb) developing and delivering innovative workforce investment services and strategies for area employers, which may include career pathways, skills upgrading, skill standard development and certification for recognized postsecondary credential or other employer use, apprenticeship, and other effective initiatives for meeting the workforce investment needs of area employers and workers;</p> <p>(cc) assistance to area employers in managing reductions in force in coordination with rapid response activities provided under subsection (a)(2)(A) and with strategies for the aversion of layoffs, which strategies may include early identification of firms at risk of layoffs, use of feasibility studies to assess the needs of and options for at-risk firms, and</p>

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	<p>the delivery of employment and training activities to address risk factors; and</p> <p>(dd) the marketing of business services offered under this title, to appropriate area employers, including small and mid-sized employers;</p> <p>(x) activities to adjust the economic self-sufficiency standards referred to in subsection (a)(3)(A)(xii) for local factors, or activities to adopt, calculate, or commission for approval, economic self-sufficiency standards for the local areas that specify the income needs of families, by family size, the number and ages of children in the family, and substate geographical considerations;</p> <p>(xi) improved coordination between employment and training activities and programs carried out in the local area for individuals with disabilities, including programs carried out by State agencies relating to intellectual disabilities and developmental disabilities, activities carried out by Statewide Independent Living Councils established under section 705 of the Rehabilitation Act of 1973 (29 U.S.C. 796d), programs funded under part B of chapter 1 of title VII of such Act (29 U.S.C. 796e et seq.), and activities carried out by centers for independent living, as defined in section 702 of such Act (29 U.S.C. 796a); and</p> <p>(xii) implementation of promising services to workers and businesses, which may include support for education, training, skill upgrading, and statewide networking for employees to become workplace learning advisors and maintain proficiency in carrying out the activities associated with such advising.</p> <p><b>(B) WORK SUPPORT ACTIVITIES FOR LOW-WAGE WORKERS.—</b></p> <p>(i) IN GENERAL.—Funds allocated to a local area for adults under paragraph (2)(A) or (3), as appropriate, of section 133(b), and funds</p>

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<p>(2) SUPPORTIVE SERVICES.--Funds allocated to a local area for adults under paragraph (2)(A) or (3), as appropriate, of section 133(b), and funds allocated to the local area for dislocated workers under section 133(b)(2)(B), may be used to provide supportive services to adults and dislocated workers, respectively—</p> <p class="list-item-l1">(A) who are participating in programs with activities authorized in any of paragraphs (2), (3), or (4) of subsection (d); and</p> <p class="list-item-l1">(B) who are unable to obtain such supportive services through other programs providing such services.</p> <p>(3) NEEDS-RELATED PAYMENTS.--</p> <p>(A) IN GENERAL.--Funds allocated to a local area for adults under paragraph (2)(A) or (3), as appropriate, of section 133(b), and funds allocated to the local area for dislocated workers under section 133(b)(2)(B), may be used to provide needs-related payments to adults and dislocated workers, respectively, who</p>	<p>allocated to the local area for dislocated workers under section 133(b)(2)(B), may be used to provide, through the one-stop delivery system involved, work support activities designed to assist low-wage workers in retaining and enhancing employment. The one-stop partners of the system shall coordinate the appropriate programs and resources of the partners with the activities and resources provided under this subparagraph.</p> <p>(ii) ACTIVITIES.—The work support activities described in clause (i) may include the provision of activities described in this section through the one-stop delivery system in a manner that enhances the opportunities of such workers to participate in the activities, such as the provision of activities described in this section during nontraditional hours and the provision of onsite child care while such activities are being provided.</p> <p>(2) SUPPORTIVE SERVICES.—Funds allocated to a local area for adults under paragraph (2)(A) or (3), as appropriate, of section 133(b), and funds allocated to the local area for dislocated workers under section 133(b)(2)(B), may be used to provide supportive services to adults and dislocated workers, respectively—</p> <p class="list-item-l1">(A) who are participating in programs with activities authorized in paragraph (2) or (3) of subsection (c); and</p> <p class="list-item-l1">(B) who are unable to obtain such supportive services through other programs providing such services.</p> <p>(3) NEEDS-RELATED PAYMENTS.—</p> <p>(A) IN GENERAL.—Funds allocated to a local area for adults under paragraph (2)(A) or (3), as appropriate, of section 133(b), and funds allocated to the local area for dislocated workers under section 133(b)(2)(B), may be used to provide needs-related payments to adults and dislocated workers, respectively, who</p>

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<p>are unemployed and do not qualify for (or have ceased to qualify for) unemployment compensation for the purpose of enabling such individuals to participate in programs of training services under subsection (d)(4).</p> <p>(B) ADDITIONAL ELIGIBILITY REQUIREMENTS.--In addition to the requirements contained in subparagraph (A), a dislocated worker who has ceased to qualify for unemployment compensation may be eligible to receive needs-related payments under this paragraph only if such worker was enrolled in the training services—</p> <p>(i) by the end of the 13th week after the most recent layoff that resulted in a determination of the worker's eligibility for employment and training activities for dislocated workers under this subtitle; or</p> <p>(ii) if later, by the end of the 8th week after the worker is informed that a short-term layoff will exceed 6 months.</p> <p>(C) LEVEL OF PAYMENTS.--The level of a needs-related payment made to a dislocated worker under this paragraph shall not exceed the greater of—</p> <p>(i) the applicable level of unemployment compensation; or</p> <p>(ii) if such worker did not qualify for unemployment compensation, an amount equal to the poverty line, for an equivalent period, which amount shall be adjusted to reflect changes in total family income.</p>	<p>are unemployed and do not qualify for (or have ceased to qualify for) unemployment compensation for the purpose of enabling such individuals to participate in programs of training services under subsection (c)(3).</p> <p>(B) ADDITIONAL ELIGIBILITY REQUIREMENTS.—In addition to the requirements contained in subparagraph (A), a dislocated worker who has ceased to qualify for unemployment compensation may be eligible to receive needs-related payments under this paragraph only if such worker was enrolled in the training services—</p> <p>(i) by the end of the 13th week after the most recent layoff that resulted in a determination of the worker's eligibility for employment and training activities for dislocated workers under this subtitle; or</p> <p>(ii) if later, by the end of the 8th week after the worker is informed that a short-term layoff will exceed 6 months.</p> <p>(C) LEVEL OF PAYMENTS.—The level of a needs-related payment made to a dislocated worker under this paragraph shall not exceed the greater of—</p> <p>(i) the applicable level of unemployment compensation; or</p> <p>(ii) if such worker did not qualify for unemployment compensation, an amount equal to the poverty line, for an equivalent period, which amount shall be adjusted to reflect changes in total family income.</p> <p>(4) INCUMBENT WORKER TRAINING PROGRAMS.—</p> <p>(A) IN GENERAL.—</p> <p>(i) STANDARD RESERVATION OF FUNDS.—The local board may reserve and use not more than 20 percent of the funds allocated to the local area involved under section 133(b) to pay</p>

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	<p>for the Federal share of the cost of providing training through a training program for incumbent workers, carried out in accordance with this paragraph.</p> <p>(ii) DETERMINATION OF ELIGIBILITY.— For the purpose of determining the eligibility of an employer to receive funding under clause (i), the local board shall take into account factors consisting of—</p> <ul style="list-style-type: none"><li>(I) the characteristics of the participants in the program;</li><li>(II) the relationship of the training to the competitiveness of a participant and the employer; and</li><li>(III) such other factors as the local board may determine to be appropriate, which may include the number of employees participating in the training, the wage and benefit levels of those employees (at present and anticipated upon completion of the training), and the existence of other training and advancement opportunities provided by the employer.</li></ul> <p>(iii) STATEWIDE IMPACT.—The Governor or State board involved may make recommendations to the local board for providing incumbent worker training that has statewide impact.</p> <p>(B) TRAINING ACTIVITIES.—The training program for incumbent workers carried out under this paragraph shall be carried out by the local board in conjunction with the employers or groups of employers of such workers (which may include employers in partnership with other entities for the purposes of delivering training) for the purpose of assisting such workers in obtaining the skills necessary to retain employment or avert layoffs.</p>

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	<p>(C) EMPLOYER PAYMENT OF NON-FEDERAL SHARE.—Employers participating in the program carried out under this paragraph shall be required to pay for the non-Federal share of the cost of providing the training to incumbent workers of the employers.</p> <p>(D) NON-FEDERAL SHARE.—</p> <p>(i) FACTORS.—Subject to clause (ii), the local board shall establish the non-Federal share of such cost (taking into consideration such other factors as the number of employees participating in the training, the wage and benefit levels of the employees (at the beginning and anticipated upon completion of the training), the relationship of the training to the competitiveness of the employer and employees, and the availability of other employer-provided training and advancement opportunities.</p> <p>(ii) LIMITS.—The non-Federal share shall not be less than—</p> <p>(I) 10 percent of the cost, for employers with not more than 50 employees;</p> <p>(II) 25 percent of the cost, for employers with more than 50 employees but not more than 100 employees; and</p> <p>(III) 50 percent of the cost, for employers with more than 100 employees.</p> <p>(iii) CALCULATION OF EMPLOYER SHARE.—The non-Federal share provided by an employer participating in the program may include the amount of the wages paid by the employer to a worker while the worker is attending a training program under this paragraph. The employer may provide the share in cash or in kind, fairly evaluated.</p> <p>(5) TRANSITIONAL JOBS.—The local board may use not more than 10 percent of the funds allocated to the local area involved under section</p>

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	<p>133(b) to provide transitional jobs under subsection (c)(3) that—</p> <p>(A) are time-limited work experiences that are subsidized and are in the public, private, or nonprofit sectors for individuals with barriers to employment who are chronically unemployed or have an inconsistent work history;</p> <p>(B) are combined with comprehensive employment and supportive services; and</p> <p>(C) are designed to assist the individuals described in subparagraph (A) to establish a work history, demonstrate success in the workplace, and develop the skills that lead to entry into and retention in unsubsidized employment.</p>
Chapter 6 GENERAL PROVISIONS cont.	CHAPTER 4—GENERAL WORKFORCE INVESTMENT PROVISIONS
SEC. 136 PERFORMANCE ACCOUNTABILITY SYSTEM. <b>(CORRESPONDS TO SECTION 116 OF WIOA)</b>	

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<p>SEC. 137. AUTHORIZATION OF APPROPRIATIONS.</p> <p><del>(a) YOUTH ACTIVITIES.—There are authorized to be appropriated to carry out the activities described in section 127(a), such sums as may be necessary for each of fiscal years 1999 through 2003.</del></p> <p><del>(b) ADULT EMPLOYMENT AND TRAINING ACTIVITIES.— There are authorized to be appropriated to carry out the activities described in section 132(a)(1), such sums as may be necessary for each of fiscal years 1999 through 2003.</del></p> <p><del>(c) DISLOCATED WORKER EMPLOYMENT AND TRAINING ACTIVITIES.— There are authorized to be appropriated to carry out the activities described in section 132(a)(2), such sums as may be necessary for each of fiscal years 1999 through 2003.</del></p>	<p>SEC. 136. AUTHORIZATION OF APPROPRIATIONS.</p> <p>(a) Youth Workforce Investment Activities.—There are authorized to be appropriated to carry out the activities described in section 127(a), \$820,430,000 for fiscal year 2015, \$883,800,000 for fiscal year 2016, \$902,139,000 for fiscal year 2017, \$922,148,000 for fiscal year 2018, \$943,828,000 for fiscal year 2019, and \$963,837,000 for fiscal year 2020.</p> <p>(b) Adult Employment and Training Activities.—There are authorized to be appropriated to carry out the activities described in section 132(a)(1), \$766,080,000 for fiscal year 2015, \$825,252,000 for fiscal year 2016, \$842,376,000 for fiscal year 2017, \$861,060,000 for fiscal year 2018, \$881,303,000 for fiscal year 2019, and \$899,987,000 for fiscal year 2020.</p> <p>(c) Dislocated Worker Employment and Training Activities.—There are authorized to be appropriated to carry out the activities described in section 132(a)(2), \$1,222,457,000 for fiscal year 2015, \$1,316,880,000 for fiscal year 2016, \$1,344,205,000 for fiscal year 2017, \$1,374,019,000 for fiscal year 2018, \$1,406,322,000 for fiscal year 2019, and \$1,436,137,000 for fiscal year 2020.</p>
Subtitle D- National Programs	Subtitle D- National Programs
<p>SEC. 166. NATIVE AMERICAN PROGRAMS.</p> <p>(a) PURPOSE.--</p> <p>(1) IN GENERAL.--The purpose of this section is to support employment and training activities for Indian, Alaska Native, and Native Hawaiian individuals</p>	<p>SEC. 166. NATIVE AMERICAN PROGRAMS.</p> <p>(a) Purpose.—</p> <p>(1) IN GENERAL.—The purpose of this section is to support employment and training activities for Indian, Alaska Native, and Native Hawaiian individuals</p>

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<p>in order--</p> <p>(A) to develop more fully the academic, occupational, and literacy skills of such individuals;</p> <p>(B) to make such individuals more competitive in the workforce; and</p> <p>(C) to promote the economic and social development of Indian, Alaska Native, and Native Hawaiian communities in accordance with the goals and values of such communities.</p> <p>(2) INDIAN POLICY.--All programs assisted under this section shall be administered in a manner consistent with the principles of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) and the government-to- government relationship between the Federal Government and Indian tribal governments.</p> <p>(b) DEFINITIONS.--As used in this section:</p> <p>(1) ALASKA NATIVE.--The term "Alaska Native" means a Native as such term is defined in section 3(b) of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(b)).</p> <p>(2) INDIAN, INDIAN TRIBE, AND TRIBAL ORGANIZATION.--The terms "Indian", "Indian tribe", and "tribal organization" have the meanings given such terms in subsections (d), (e), and (l), respectively, of section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).</p> <p>(3) NATIVE HAWAIIAN AND NATIVE HAWAIIAN ORGANIZATION.--The terms "Native Hawaiian" and "Native Hawaiian organization" have the</p>	<p>in order—</p> <p>(A) to develop more fully the academic, occupational, and literacy skills of such individuals;</p> <p>(B) to make such individuals more competitive in the workforce <b>and to equip them with the entrepreneurial skills necessary for successful self-employment; and</b></p> <p>(C) to promote the economic and social development of Indian, Alaska Native, and Native Hawaiian communities in accordance with the goals and values of such communities.</p> <p>(2) INDIAN POLICY.—All programs assisted under this section shall be administered in a manner consistent with the principles of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) and the government-to-government relationship between the Federal Government and Indian tribal governments.</p> <p>(b) Definitions.—As used in this section:</p> <p>(1) ALASKA NATIVE.—The term “Alaska Native” includes a Native <b>and a descendant of a Native,</b> as such terms are defined in subsections (b) and (r) of section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(b), (r)).</p> <p>(2) INDIAN, INDIAN TRIBE, AND TRIBAL ORGANIZATION.—The terms “Indian”, “Indian tribe”, and “tribal organization” have the meanings given such terms in subsections (d), (e), and (l), respectively, of section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).</p> <p>(3) NATIVE HAWAIIAN AND NATIVE HAWAIIAN ORGANIZATION.—The terms “Native Hawaiian” and “Native Hawaiian organization” have the</p>

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<p>meanings given such terms in paragraphs (1) and (3), respectively, of section 9212 of the Native Hawaiian Education Act (20 U.S.C. 7912).</p> <p>(c) PROGRAM AUTHORIZED.--</p> <p>(1) IN GENERAL.--The Secretary shall, on a competitive basis, make grants to, or enter into contracts or cooperative agreements with, Indian tribes, tribal organizations, Alaska Native entities, Indian-controlled organizations serving Indians, or Native Hawaiian organizations to carry out the authorized activities described in subsection (d).</p> <p><del>(2) EXCEPTION.--The competition for grants, contracts, or cooperative agreements conducted under paragraph (1) shall be conducted every 2 years, except that if a recipient of such a grant, contract, or agreement has performed satisfactorily, the Secretary may waive the requirements for such competition on receipt from the recipient of a satisfactory 2-year program plan for the succeeding 2-year period of the grant, contract, or agreement.</del></p> <p>(d) AUTHORIZED ACTIVITIES.--</p> <p>(1) IN GENERAL.--Funds made available under subsection (c) shall be used to carry out the activities described in paragraph (2) that—</p> <p class="list-item-l1">(A) are consistent with this section; and</p> <p class="list-item-l1">(B) are necessary to meet the needs of Indians or Native Hawaiians preparing to enter, reenter, or retain unsubsidized employment.</p> <p>(2) WORKFORCE INVESTMENT ACTIVITIES AND SUPPLEMENTAL SERVICES.--</p> <p>(A) IN GENERAL.--Funds made available under subsection (c) shall be used for—</p> <p class="list-item-l2">(i) comprehensive workforce investment activities for Indians or Native Hawaiians; or</p>	<p>meanings given such terms in section 7207 of the Native Hawaiian Education Act (20 U.S.C. 7517).</p> <p>(c) Program Authorized.—<b>Every 4 years</b>, the Secretary shall, on a competitive basis, make grants to, or enter into contracts or cooperative agreements with, Indian tribes, tribal organizations, Alaska Native entities, Indian-controlled organizations serving Indians, or Native Hawaiian organizations to carry out the authorized activities described in subsection (d).</p> <p>(d) Authorized Activities.—</p> <p>(1) IN GENERAL.—Funds made available under subsection (c) shall be used to carry out the activities described in paragraph(2) that—</p> <p class="list-item-l1">(A) are consistent with this section; and</p> <p class="list-item-l1">(B) are necessary to meet the needs of Indians, <b>Alaska Natives</b>, or Native Hawaiians preparing to enter, reenter, or retain unsubsidized employment <b>leading to self-sufficiency</b>.</p> <p>(2) WORKFORCE DEVELOPMENTACTIVITIES AND SUPPLEMENTAL SERVICES.—</p> <p>(A) IN GENERAL.—Funds made available under subsection (c) shall be used for—</p> <p class="list-item-l2">(i) comprehensive workforce development activities for Indians, Alaska Natives, or Native Hawaiians, <b>including training on entrepreneurial</b></p>

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<p>(ii) supplemental services for Indian or Native Hawaiian youth on or near Indian reservations and in Oklahoma, Alaska, or Hawaii.</p> <p>(B) SPECIAL RULE.--Notwithstanding any other provision of this section, individuals who were eligible to participate in programs under section 401 of the Job Training Partnership Act (29 U.S.C. 1671) (as such section was in effect on the day before the date of enactment of this Act) shall be eligible to participate in an activity assisted under this section.</p> <p>(e) PROGRAM PLAN.--In order to receive a grant or enter into a contract or cooperative agreement under this section an entity described in subsection (c) shall submit to the Secretary a program plan that describes a <del>2-year</del> strategy for meeting the needs of Indian, Alaska Native, or Native Hawaiian individuals, as appropriate, in the area served by such entity. Such plan shall—</p> <ol style="list-style-type: none"><li>(1) be consistent with the purpose of this section;</li><li>(2) identify the population to be served;</li><li>(3) identify the education and employment needs of the population to be served and the manner in which the activities to be provided will strengthen the ability of the individuals served to obtain or retain unsubsidized employment;</li><li>(4) describe the activities to be provided and the manner in which such activities are to be integrated with other appropriate activities; and</li><li>(5) describe, after the entity submitting the plan consults with the Secretary, the <del>performance measures</del> to be used to assess the performance of entities in carrying out the activities assisted under this section.</li></ol>	<p><del>skills; or</del></p> <p>(ii) supplemental services for Indian, Alaska Native, or Native Hawaiian youth on or near Indian reservations and in Oklahoma, Alaska, or Hawaii.</p> <p>(B) SPECIAL RULE.—Notwithstanding any other provision of this section, individuals who were eligible to participate in programs under section 401 of the Job Training Partnership Act (as such section was in effect on the day before the date of enactment of the Workforce Investment Act of 1998) shall be eligible to participate in an activity assisted under this section.</p> <p>(e) Program Plan.—In order to receive a grant or enter into a contract or cooperative agreement under this section, an entity described in subsection (c) shall submit to the Secretary a program plan that describes a <del>4-year</del> strategy for meeting the needs of Indian, Alaska Native, or Native Hawaiian individuals, as appropriate, in the area served by such entity. Such plan shall—</p> <ol style="list-style-type: none"><li>(1) be consistent with the purpose of this section;</li><li>(2) identify the population to be served;</li><li>(3) identify the education and employment needs of the population to be served and the manner in which the activities to be provided will strengthen the ability of the individuals served to obtain or retain unsubsidized employment <del>leading to self-sufficiency</del>;</li><li>(4) describe the activities to be provided and the manner in which such activities are to be integrated with other appropriate activities; and</li><li>(5) describe, after the entity submitting the plan consults with the Secretary, the <del>performance accountability measures</del> to be used to assess the performance of entities in carrying out the activities assisted under this section, <del>which shall include the primary indicators of performance described in section 116(b)(2)(A) and expected levels of performance for</del></li></ol>

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<p>(f ) CONSOLIDATION OF FUNDS.--Each entity receiving assistance under subsection (c) may consolidate such assistance with assistance received from related programs in accordance with the provisions of the Indian Employment, Training and Related Services Demonstration Act of 1992 (25 U.S.C. 3401 et seq.).</p> <p>(g) NONDUPLICATIVE AND NONEXCLUSIVE SERVICES.--Nothing in this section shall be construed—</p> <p>(1) to limit the eligibility of any entity described in subsection (c) to participate in any activity offered by a State or local entity under this Act; or</p> <p>(2) to preclude or discourage any agreement, between any entity described in subsection (c) and any State or local entity, to facilitate the provision of services by such entity or to the population served by such entity.</p>	<p>such indicators, in accordance with subsection (h).</p> <p>(f) Consolidation of Funds.—Each entity receiving assistance under subsection (c) may consolidate such assistance with assistance received from related programs in accordance with the provisions of the Indian Employment, Training and Related Services Demonstration Act of 1992 (25 U.S.C. 3401 et seq.).</p> <p>(g) Nonduplicative and Nonexclusive Services.—Nothing in this section shall be construed—</p> <p>(1) to limit the eligibility of any entity described in subsection (c) to participate in any activity offered by a State or local entity under this Act; or</p> <p>(2) to preclude or discourage any agreement, between any entity described in subsection (c) and any State or local entity, to facilitate the provision of services by such entity or to the population served by such entity.</p> <p>(h) Performance Accountability Measures.—</p> <p>(1) ADDITIONAL PERFORMANCE INDICATORS AND STANDARDS.—</p> <p>(A) DEVELOPMENT OF INDICATORS AND STANDARDS.—The Secretary, in consultation with the Native American Employment and Training Council, shall develop a set of performance indicators and standards that is in addition to the primary indicators of performance described in section 116(b)(2)(A) and that shall be applicable to programs under this section.</p> <p>(B) SPECIAL CONSIDERATIONS.—Such performance indicators and standards shall take into account—</p> <p>(i) the purpose of this section as described in subsection (a)(1);</p>

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<p>(h) ADMINISTRATIVE PROVISIONS.--</p> <p>(1) ORGANIZATIONAL UNIT ESTABLISHED.--The Secretary shall designate a single organizational unit within the Department of Labor that shall have primary responsibility for the administration of the activities authorized under this section.</p> <p>(2) REGULATIONS.--The Secretary shall consult with the entities described in subsection (c) in—</p> <p>(A) establishing regulations to carry out this section, including performance measures for entities receiving assistance under such subsection, <b>taking into account the economic circumstances of such entities</b>; and</p> <p>(B) developing a funding distribution plan that takes into consideration previous levels of funding (prior to the date of</p>	<p>(ii) the needs of the groups served by this section, including the differences in needs among such groups in various geographic service areas; and</p> <p>(iii) the economic circumstances of the communities served, including differences in circumstances among various geographic service areas.</p> <p>(2) AGREEMENT ON ADJUSTED LEVELS OF PERFORMANCE.—The Secretary and the entity described in subsection (c) shall reach agreement on the levels of performance for each of the primary indicators of performance described in section 116(b)(2)(A), taking into account economic conditions, characteristics of the individuals served, and other appropriate factors and using, to the extent practicable, the statistical adjustment model under section 116(b)(3)(A)(viii). The levels agreed to shall be the adjusted levels of performance and shall be incorporated in the program plan.</p> <p>(i) Administrative Provisions.—</p> <p>(1) ORGANIZATIONAL UNIT ESTABLISHED.—The Secretary shall designate a single organizational unit within the Department of Labor that shall have primary responsibility for the administration of the activities authorized under this section.</p> <p>(2) REGULATIONS.—The Secretary shall consult with the entities described in subsection (c) in—</p> <p>(A) establishing regulations to carry out this section, including regulations relating to the performance accountability measures for entities receiving assistance under this section; and</p> <p>(B) developing a funding distribution plan that takes into consideration previous levels of funding (prior to the date of enactment of this Act) to such entities.</p>

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<p>enactment of this Act) to such entities.</p> <p>(3) WAIVERS.--</p> <p>(A) IN GENERAL.--With respect to an entity described in subsection (c), the Secretary, notwithstanding any other provision of law, may, pursuant to a request submitted by such entity that meets the requirements established under paragraph (2), waive any of the statutory or regulatory requirements of this title that are inconsistent with the specific needs of the entities described in such subsection, except that the Secretary may not waive requirements relating to wage and labor standards, worker rights, participation and protection of workers and participants, grievance procedures, and judicial review.</p> <p>(B) REQUEST AND APPROVAL.--An entity described in subsection (c) that requests a waiver under subparagraph (A) shall submit a plan to the Secretary to improve the program of workforce investment activities carried out by the entity, which plan shall meet the requirements established by the Secretary and shall be generally consistent with the requirements of section 189(i)(4)(B).</p> <p>(4) ADVISORY COUNCIL.--</p> <p>(A) IN GENERAL.--Using funds made available to carry out this section, the Secretary shall establish a Native American Employment and Training Council to facilitate the consultation described in paragraph (2).</p> <p>(B) COMPOSITION.--The Council shall be composed of individuals, appointed by the Secretary, who are representatives of the entities described in subsection (c).</p>	<p>(3) WAIVERS.—</p> <p>(A) IN GENERAL.—With respect to an entity described in subsection (c), the Secretary, notwithstanding any other provision of law, may, pursuant to a request submitted by such entity that meets the requirements established under subparagraph (B), waive any of the statutory or regulatory requirements of this title that are inconsistent with the specific needs of the entity described in such subsection, except that the Secretary may not waive requirements relating to wage and labor standards, worker rights, participation and protection of workers and participants, grievance procedures, and judicial review.</p> <p>(B) REQUEST AND APPROVAL.—An entity described in subsection (c) that requests a waiver under subparagraph (A) shall submit a plan to the Secretary to improve the program of workforce investment activities carried out by the entity, which plan shall meet the requirements established by the Secretary and shall be generally consistent with the requirements of section 189(i)(3)(B).</p> <p>(4) ADVISORY COUNCIL.—</p> <p>(A) IN GENERAL.—Using funds made available to carry out this section, the Secretary shall establish a Native American Employment and Training Council to facilitate the consultation described in paragraph (2) and to provide the advice described in subparagraph (C).</p> <p>(B) COMPOSITION.—The Council shall be composed of individuals, appointed by the Secretary, who are representatives of the entities described in subsection (c).</p>

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<p>(C) DUTIES.--The Council shall advise the Secretary on all aspects of the operation and administration of the programs assisted under this section, including the selection of the individual appointed as the head of the unit established under paragraph (1).</p> <p>(D) PERSONNEL MATTERS.—</p> <p>(i) COMPENSATION OF MEMBERS.--Members of the Council shall serve without compensation.</p> <p>(ii) TRAVEL EXPENSES.--The members of the Council shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Council.</p> <p>(iii) ADMINISTRATIVE SUPPORT.--The Secretary shall provide the Council with such administrative support as may be necessary to perform the functions of the Council.</p> <p>(E) CHAIRPERSON.--The Council shall select a chairperson from among its members.</p> <p>(F) MEETINGS.--The Council shall meet not less than twice each year.</p> <p>(G) APPLICATION.--Section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Council.</p> <p>(5) TECHNICAL ASSISTANCE.--The Secretary, acting through the unit established under paragraph (1), is authorized to provide technical assistance to entities described in subsection (c) that receive assistance under subsection (c) to</p>	<p>(C) DUTIES.—The Council shall advise the Secretary on the operation and administration of the programs assisted under this section, including the selection of the individual appointed as head of the unit established under paragraph (1).</p> <p>(D) PERSONNEL MATTERS.—</p> <p>(i) COMPENSATION OF MEMBERS.—Members of the Council shall serve without compensation.</p> <p>(ii) TRAVEL EXPENSES.—The members of the Council shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Council.</p> <p>(iii) ADMINISTRATIVE SUPPORT.—The Secretary shall provide the Council with such administrative support as may be necessary to perform the functions of the Council.</p> <p>(E) CHAIRPERSON.—The Council shall select a chairperson from among its members.</p> <p>(F) MEETINGS.—The Council shall meet not less than twice each year.</p> <p>(G) APPLICATION.—Section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Council.</p> <p>(5) TECHNICAL ASSISTANCE.—The Secretary, acting through the unit established under paragraph (1), is authorized to provide technical assistance to entities described in subsection (c) that receive assistance</p>

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<p>enable such entities to improve the activities authorized under this section that are provided by such entities.</p> <p>(6) AGREEMENT FOR CERTAIN FEDERALLY RECOGNIZED INDIAN TRIBES TO TRANSFER FUNDS TO THE PROGRAM.--A federally recognized Indian tribe that administers funds provided under this section and funds provided by more than one State under other sections of this title may enter into an agreement with the Secretary and the Governors of the affected States to transfer the funds provided by the States to the program administered by the tribe under this section.</p> <p>(i) COMPLIANCE WITH SINGLE AUDIT REQUIREMENTS; RELATED REQUIREMENT.--Grants, contracts, and cooperative agreements entered into under this section shall be subject to the requirements of chapter 75 of subtitle V of title 31, United States Code (enacted by the Single Audit Act of 1984) and charging of costs under this section shall be subject to appropriate circulars issued by the Office of Management and Budget.</p> <p>(j) ASSISTANCE TO <b>AMERICAN SAMOANS</b> IN HAWAII.--</p> <p>(1) IN GENERAL.--Notwithstanding any other provision of law, the Secretary is authorized to provide assistance to <b>American Samoans who reside in Hawaii for the co-location of federally funded and State-funded workforce investment activities.</b></p>	<p>under such subsection to enable such entities to improve the activities authorized under this section that are provided by such entities.</p> <p>(6) AGREEMENT FOR CERTAIN FEDERALLY RECOGNIZED INDIAN TRIBES TO TRANSFER FUNDS TO THE PROGRAM.—A federally recognized Indian tribe that administers funds provided under this section and funds provided by more than one State under other sections of this title may enter into an agreement with the Secretary and the Governors of the affected States to transfer the funds provided by the States to the program administered by the tribe under this section.</p> <p>(j) Compliance With Single Audit Requirements; Related Requirement.—Grants made and contracts and cooperative agreements entered into under this section shall be subject to the requirements of chapter 75 of subtitle V of title 31, United States Code, and charging of costs under this section shall be subject to appropriate circulars issued by the Office of Management and Budget.</p> <p>(k) Assistance to <b>Unique Populations in Alaska</b> and Hawaii.—</p> <p>(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary is authorized to award grants, <b>on a competitive basis, to entities with demonstrated experience and expertise in developing and implementing programs for the unique populations who reside in Alaska or Hawaii, including public and private nonprofit organizations, tribal organizations, American Indian tribal colleges or universities, institutions of higher education, or consortia of such organizations or institutions, to improve job training and workforce investment activities for such unique populations.</b></p>

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(2) AUTHORIZATION OF APPROPRIATIONS.--There are authorized to be appropriated <del>for fiscal year 1999 such sums as may be necessary to carry out this subsection.</del>	(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection— (A) \$461,000 for fiscal year 2015; (B) \$497,000 for fiscal year 2016; (C) \$507,000 for fiscal year 2017; (D) \$518,000 for fiscal year 2018; (E) \$530,000 for fiscal year 2019; and (F) \$542,000 for fiscal year 2020.
<p>SEC. 167. MIGRANT AND SEASONAL FARMWORKER PROGRAMS.</p> <p>(a) IN GENERAL.--<del>Every 2 years</del>, the Secretary shall, on a competitive basis, make grants to, or enter into contracts with, eligible entities to carry out the activities described in subsection (d).</p> <p>(b) ELIGIBLE ENTITIES.--To be eligible to receive a grant or enter into a contract under this section, an entity shall have an understanding of the problems of eligible migrant and seasonal farmworkers (including dependents), a familiarity with the area to be served, and the ability to demonstrate a capacity to administer effectively a diversified program of workforce investment activities (including youth activities) and related assistance for eligible migrant and seasonal farmworkers.</p> <p>(c) PROGRAM PLAN.--</p> <p>(1) IN GENERAL.--To be eligible to receive a grant or enter into a contract under this section, an entity described in subsection (b) shall submit to the Secretary a plan that describes <del>a 2-year strategy</del> for meeting the needs of eligible migrant and seasonal farmworkers in the area to be served by such entity.</p>	<p>SEC. 167. MIGRANT AND SEASONAL FARMWORKER PROGRAMS.</p> <p>(a) In General.—<b>Every 4 years</b>, the Secretary shall, on a competitive basis, make grants to, or enter into contracts with, eligible entities to carry out the activities described in subsection (d).</p> <p>(b) Eligible Entities.—To be eligible to receive a grant or enter into a contract under this section, an entity shall have an understanding of the problems of eligible migrant and seasonal farmworkers (including dependents), a familiarity with the area to be served, and the ability to demonstrate a capacity to administer <b>and deliver</b> effectively a diversified program of workforce investment activities (including youth workforce investment activities) and related assistance for eligible migrant and seasonal farmworkers.</p> <p>(c) Program Plan.—</p> <p>(1) IN GENERAL.—To be eligible to receive a grant or enter into a contract under this section, an entity described in subsection (b) shall submit to the Secretary a plan that describes a <b>4-year strategy</b> for meeting the needs of eligible migrant and seasonal farmworkers in the area to be served by such entity.</p>

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<p>(2) CONTENTS.--Such plan shall—</p> <p>(A) identify the education and employment needs of the population to be served and the manner in which the services to be provided will strengthen the ability of the eligible migrant and seasonal farmworkers and dependents to obtain or retain unsubsidized employment or stabilize their unsubsidized employment;</p> <p>(B) describe the related assistance and supportive services to be provided and the manner in which such assistance and services are to be integrated and coordinated with other appropriate services; and</p> <p>(C) describe the indicators of performance to be used to assess the performance of such entity in carrying out the activities assisted under this section.</p>	<p>(2) CONTENTS.—Such plan shall—</p> <p>(A) describe the population to be served and identify the education and employment needs of the population to be served and the manner in which the services to be provided will strengthen the ability of the eligible migrant and seasonal farmworkers and dependents to obtain or retain unsubsidized employment, or stabilize their unsubsidized employment, including upgraded employment in agriculture;</p> <p>(B) describe the related assistance and supportive services to be provided and the manner in which such assistance and services are to be integrated and coordinated with other appropriate services;</p> <p>(C) describe the performance accountability measures to be used to assess the performance of such entity in carrying out the activities assisted under this section, which shall include the expected levels of performance for the primary indicators of performance described in section 116(b)(2)(A);</p> <p>(D) describe the availability and accessibility of local resources, such as supportive services, services provided through one-stop delivery systems, and education and training services, and how the resources can be made available to the population to be served; and</p> <p>(E) describe the plan for providing services under this section, including strategies and systems for outreach, career planning, assessment, and delivery through one-stop delivery systems.</p> <p>(3) AGREEMENT ON ADJUSTED LEVELS OF PERFORMANCE.—The Secretary and the entity described in subsection (b) shall reach agreement on the levels of performance for each of the primary indicators of performance described in section 116(b)(2)(A), taking into account economic conditions, characteristics of the individuals served, and other appropriate factors, and using, to the extent practicable, the statistical adjustment model under section</p>

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<p>(3) ADMINISTRATION.--Grants and contracts awarded under this section shall be centrally administered by the Department of Labor and competitively awarded by the Secretary using procedures consistent with standard Federal Government competitive procurement policies.</p> <p><del>(4) COMPETITION.--</del> <del>(A) IN GENERAL.--The competition for grants made and contracts entered into under this section shall be conducted every 2 years--</del> <del>(B) EXCEPTION.-- Notwithstanding subparagraph (A), if a recipient of such a grant or contract has performed satisfactorily under the terms of the grant agreement or contract, the Secretary may waive the requirement for such competition for such recipient upon receipt from the recipient of a satisfactory 2-year plan described in paragraph (1) for the succeeding 2-year grant or contract period. The Secretary may exercise the waiver authority of the preceding sentence not more than once during any 4-year period with respect to any single recipient--</del></p> <p>(d) AUTHORIZED ACTIVITIES.--Funds made available under this section shall be used to carry out workforce investment activities (including youth activities) and provide related assistance for eligible migrant and seasonal farmworkers, which may include</p> <p>employment, training, educational assistance, literacy assistance, an English language program, worker safety training, housing, supportive services, dropout prevention activities,</p>	<p>116(b)(3)(A)(viii). The levels agreed to shall be the adjusted levels of performance and shall be incorporated in the program plan.</p> <p>(4) ADMINISTRATION.—Grants and contracts awarded under this section shall be centrally administered by the Department of Labor and competitively awarded by the Secretary using procedures consistent with standard Federal Government competitive procurement policies.</p> <p>(d) Authorized Activities.—Funds made available under this section and section 127(a)(1) shall be used to carry out workforce investment activities (including youth workforce investment activities) and provide related assistance for eligible migrant and seasonal farmworkers, which may include—</p> <p>(1) outreach, employment, training, educational assistance, literacy assistance, English language and literacy instruction, pesticide and worker safety training, housing (including permanent housing), supportive services, and school dropout prevention and recovery</p>

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<p>followup services for those individuals placed in employment, self-employment and related business enterprise development education as needed by eligible migrant and seasonal farmworkers and identified pursuant to the plan required by subsection (c),</p> <p>and technical assistance relating to capacity enhancement in such areas as management information technology.</p> <p>(e) CONSULTATION WITH GOVERNORS AND LOCAL BOARDS.--In making grants and entering into contracts under this section, the Secretary shall consult with the Governors and local boards of the States in which the eligible entities will carry out the activities described in subsection (d).</p> <p>(f ) REGULATIONS.--The Secretary shall consult with eligible migrant and seasonal farmworkers groups and States in establishing regulations to carry out this section, including performance measures for eligible entities that take into account the economic circumstances and demographics of eligible migrant and seasonal farmworkers.-</p> <p>(g) COMPLIANCE WITH SINGLE AUDIT REQUIREMENTS; RELATED REQUIREMENT.--Grants and contracts entered into under this section shall be subject to the requirements of chapter 75 of subtitle V of title 31, United States Code (enacted by the Single Audit Act of 1984) and charging of costs under this section shall be subject to appropriate circulars</p>	<p>activities;</p> <p>(2) follow up services for those individuals placed in employment;</p> <p>(3) self-employment and related business or micro-enterprise development or education as needed by eligible individuals as identified pursuant to the plan required by subsection (c);</p> <p>(4) customized career and technical education in occupations that will lead to higher wages, enhanced benefits, and long-term employment in agriculture or another area; and</p> <p>(5) technical assistance to improve coordination of services and implement best practices relating to service delivery through one-stop delivery systems.</p> <p>(e) Consultation With Governors and Local Boards.—In making grants and entering into contracts under this section, the Secretary shall consult with the Governors and local boards of the States in which the eligible entities will carry out the activities described in subsection (d).</p> <p>(f) Regulations.—The Secretary shall consult with eligible migrant and seasonal farmworkers groups and States in establishing regulations to carry out this section, including regulations relating to how economic and demographic barriers to employment of eligible migrant and seasonal farmworkers should be considered and included in the negotiations leading to the adjusted levels of performance described in subsection (c)(3).</p> <p>(g) Compliance With Single Audit Requirements; Related Requirement.— Grants made and contracts entered into under this section shall be subject to the requirements of chapter 75 of subtitle V of title 31, United States Code and charging of costs under this section shall be subject to appropriate circulars issued by the Office of Management and Budget.</p>

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<p>issued by the Office of Management and Budget.</p> <p>(h) DEFINITIONS.—In this section:</p> <p><del>(1) DISADVANTAGED.—The term "disadvantaged", used with respect to a farmworker, means a farmworker whose income, for 12 consecutive months out of the 24 months prior to application for the program involved, does not exceed the higher of—</del></p> <p><del>(A) the poverty line (as defined in section 334(a)(2)(B)) for an equivalent period; or</del></p> <p><del>(B) 70 percent of the lower living standard income level, for an equivalent period.</del></p> <p>(2) ELIGIBLE MIGRANT AND SEASONAL FARMWORKERS.—The term "eligible migrant and seasonal farmworkers" means individuals who are eligible migrant farmworkers or are eligible seasonal farmworkers.</p> <p>(3) ELIGIBLE MIGRANT FARMWORKER.—</p> <p>The term "eligible migrant farmworker" means—</p> <p>(A) an eligible seasonal farmworker described in paragraph (4)(A) whose agricultural labor requires travel to a job site such that the farmworker is unable to return to a permanent place of residence within the same day; and</p> <p>(B) a dependent of the farmworker described in subparagraph (A).</p>	<p>(h) Funding Allocation.—From the funds appropriated and made available to carry out this section, the Secretary shall reserve not more than 1 percent for discretionary purposes, such as providing technical assistance to eligible entities.</p> <p>(i) Definitions.—In this section:</p> <p>(1) ELIGIBLE MIGRANT AND SEASONAL FARMWORKERS.—The term "eligible migrant and seasonal farmworkers" means individuals who are eligible migrant farmworkers or are eligible seasonal farmworkers.</p> <p>(2) ELIGIBLE MIGRANT FARMWORKER.—</p> <p>The term "eligible migrant farmworker" means—</p> <p>(A) an eligible seasonal farmworker described in paragraph (3)(A) whose agricultural labor requires travel to a job site such that the farmworker is unable to return to a permanent place of residence within the same day; and</p> <p>(B) a dependent of the farmworker described in subparagraph (A).</p>

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<p>(4) ELIGIBLE SEASONAL FARMWORKER.-- The term "eligible seasonal farmworker" means-- (A) <del>a disadvantaged person who</del>, for 12 consecutive months out of the 24 months prior to application for the program involved, has been primarily employed in agricultural labor that is characterized by chronic unemployment or underemployment; and  (B) a dependent of the person described in subparagraph (A).</p>	<p>(3) ELIGIBLE SEASONAL FARMWORKER.— The term “eligible seasonal farmworker” means— (A) a low-income individual who—     (i) for 12 consecutive months out of the 24 months prior to application for the program involved, has been primarily employed in agricultural <b>or fish farming</b> labor that is characterized by chronic unemployment or underemployment; and     (ii) <b>faces multiple barriers to economic self-sufficiency; and</b> (B) a dependent of the person described in subparagraph (A).</p>
<p><del>SEC. 168. VETERANS' WORKFORCE INVESTMENT PROGRAMS.</del> <del>(a) AUTHORIZATION.—</del> <del>(1) IN GENERAL.—The Secretary shall conduct, directly or through grants or contracts, programs to meet the needs for workforce investment activities of veterans with service-connected disabilities, veterans who have significant barriers to employment, veterans who served on active duty in the armed forces during a war or in a campaign or expedition for which a campaign badge has been authorized, and recently separated veterans.</del> <del>(2) CONDUCT OF PROGRAMS.—Programs supported under this section may be conducted through grants and contracts with public agencies and private nonprofit organizations, including recipients of Federal assistance under other provisions of this title, that the Secretary determines have an understanding of the unemployment problems of veterans described in paragraph (1), familiarity with the area to be served, and the capability to administer effectively a program of workforce investment activities for such veterans.</del> <del>(3) REQUIRED ACTIVITIES.—Programs supported under this section shall include—</del></p>	

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<p><del>(A) activities to enhance services provided to veterans by other providers of workforce investment activities funded by Federal, State, or local government;</del></p> <p><del>(B) activities to provide workforce investment activities to such veterans that are not adequately provided by other public providers of workforce investment activities; and</del></p> <p><del>(C) outreach and public information activities to develop and promote maximum job and job training opportunities for such veterans and to inform such veterans about employment, job training, on-the-job training and educational opportunities under this title, under title 38, United States Code, and under other provisions of law, which activities shall be coordinated with activities provided through the one-stop centers described in section 134(c).</del></p> <p><del>(b) ADMINISTRATION OF PROGRAMS.---</del></p> <p><del>(1) IN GENERAL.---The Secretary shall administer programs supported under this section through the Assistant Secretary for Veterans' Employment and Training.</del></p> <p><del>(2) ADDITIONAL RESPONSIBILITIES.---In carrying out responsibilities under this section, the Assistant Secretary for Veterans' Employment and Training shall---</del></p> <p><del>(A) be responsible for the awarding of grants and contracts and the distribution of funds under this section and for the establishment of appropriate fiscal controls, accountability, and program performance measures for recipients of grants and contracts under this section; and</del></p> <p><del>(B) consult with the Secretary of Veterans Affairs and take steps to ensure that programs supported under this section are coordinated, to the maximum extent feasible, with related programs and activities conducted under title 38, United States Code, including programs and activities conducted under subchapter II of chapter 77 of such title, chapters 30, 31, 32, and 34 of such</del></p>	

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<del>title, and sections 1712A, 1720A, 3687, and 4103A of such title.</del>	
SEC. 169. YOUTH OPPORTUNITY GRANTS. <b>(CORRESPONDS TO SECTION 171 OF WIOA)</b>	
<p>SEC. 170. TECHNICAL ASSISTANCE.</p> <p>(a) GENERAL TECHNICAL ASSISTANCE. —</p> <p>(1) IN GENERAL.—The Secretary shall provide, coordinate, and support the development of, appropriate training, technical assistance, staff development, and other activities,</p> <p>including assistance in replicating programs of demonstrated effectiveness, to States and localities, <del>and, in particular, to assist States in making transitions from carrying out activities under the provisions of law repealed under section 199 to carry out activities under this title.</del></p>	<p>SEC. 168. TECHNICAL ASSISTANCE.</p> <p>(a) General Technical Assistance. —</p> <p>(1) IN GENERAL.—<b>The Secretary shall ensure that the Department has sufficient capacity to, and does,</b> provide, coordinate, and support the development of, appropriate training, technical assistance, staff development, and other activities, including—</p> <p>(A) assistance in replicating programs of demonstrated effectiveness, to States and localities;</p> <p>(B) the training of staff providing rapid response services;</p> <p>(C) the training of other staff of recipients of funds under this title, including the staff of local boards and State boards;</p> <p>(D) the training of members of State boards and local boards;</p> <p>(E) assistance in the development and implementation of integrated, technology-enabled intake and case management information systems for programs carried out under this Act and programs carried out by one-stop partners, such as standard sets of technical requirements for the systems, offering interfaces that States could use in conjunction with their current (as of the first date of implementation of the systems) intake and case management information systems that would facilitate shared registration across programs;</p> <p>(F) assistance regarding accounting and program operations to States and localities (when such assistance would not supplant assistance</p>

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<p>(2) FORM OF ASSISTANCE.--In carrying out paragraph (1) on behalf of a State, or recipient of financial assistance under any of sections 166 through 169, the Secretary, after consultation with the State or grant recipient, may award grants and enter into contracts and cooperative agreements.</p> <p>(3) LIMITATION.--Grants or contracts awarded under paragraph (1) to entities other than States or local units of government that are for amounts in excess of \$100,000 shall only be awarded on a competitive basis.</p> <p>(b) DISLOCATED WORKER TECHNICAL ASSISTANCE.--</p> <p>(1) AUTHORITY.--Of the amounts available pursuant to section 132(a)(2), the Secretary shall reserve not more than 5 percent of such amounts to provide technical assistance to States that do not meet the State performance measures described in section 136 with respect to employment and training activities for dislocated workers. Using such reserved funds, the Secretary may provide such assistance to other States, local areas, and other entities involved in providing assistance to dislocated workers, to promote the continuous improvement of assistance provided to dislocated workers, under this title.</p> <p>(2) TRAINING.--Amounts reserved under this subsection may be used to provide for the training of staff, including specialists, who provide rapid</p>	<p>provided by the State); (G) peer review activities under this title; and (H) in particular, assistance to States in making transitions to implement the provisions of this Act.</p> <p>(2) FORM OF ASSISTANCE.—</p> <p>(A) IN GENERAL.—In order to carry out paragraph (1) on behalf of a State or recipient of financial assistance under section 166 or 167, the Secretary, after consultation with the State or grant recipient, may award grants or enter into contracts or cooperative agreements.</p> <p>(B) LIMITATION.—Grants or contracts awarded under paragraph (1) to entities other than States or local units of government that are for amounts in excess of \$100,000 shall only be awarded on a competitive basis.</p> <p>(b) Dislocated Worker Technical Assistance.—</p> <p>(1) AUTHORITY.—Of the amounts available pursuant to section 132(a)(2)(A), the Secretary shall reserve not more than 5 percent of such amounts to provide technical assistance to States that do not meet the State performance accountability measures for the primary indicators of performance described in section 116(b)(2)(A)(i) with respect to employment and training activities for dislocated workers. Using such reserved funds, the Secretary may provide such assistance to other States, local areas, and other entities involved in providing assistance to dislocated workers, to promote the continuous improvement of assistance provided to dislocated workers, under this title.</p> <p>(2) TRAINING.—Amounts reserved under this subsection may be used to provide for the training of staff, including specialists, who provide rapid</p>

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response services. Such training shall include instruction in proven methods of promoting, establishing, and assisting labor-management committees. Such projects shall be administered <del>through the dislocated worker office described in section 174(b).</del>	response services. Such training shall include instruction in proven methods of promoting, establishing, and assisting labor-management committees. Such projects shall be administered through the Employment and Training Administration of the Department.  (c) Promising and Proven Practices Coordination.— The Secretary shall— (1) establish a system through which States may share information regarding promising and proven practices with regard to the operation of workforce investment activities under this Act; (2) evaluate and disseminate information regarding such promising and proven practices and identify knowledge gaps; and (3) commission research under section 169(b) to address knowledge gaps identified under paragraph (2).
SEC. 171. DEMONSTRATION, PILOT, MULTISERVICE, RESEARCH, AND MULTISTATE PROJECTS. <b>CORRESPONDS TO PART OF SEC. 169 OF WIOA</b>	

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<p>SEC. 172. EVALUATIONS.</p> <p>(a) PROGRAMS AND ACTIVITIES CARRIED OUT UNDER THIS TITLE.—</p> <p>For the purpose of improving the management and effectiveness of programs and activities carried out under this title, the Secretary shall provide for the continuing evaluation of the programs and activities, <b>including those programs and activities carried out under section 171.</b></p> <p>Such evaluations shall address—</p> <p>(1) the general effectiveness of such programs and activities in relation to their cost, including the extent to which the programs and activities—</p> <p>(A) improve the employment competencies of participants in comparison to comparably-situated individuals who did not participate in such programs and activities; and</p> <p>(B) to the extent feasible, increase the level of total employment over the level that would have existed in the absence of such programs and activities;</p> <p>(2) the effectiveness of the performance measures relating to such programs and activities;</p> <p>(3) the effectiveness of the structure and mechanisms for delivery of services through such programs and activities;</p>	<p>SEC. 169. EVALUATIONS AND RESEARCH.</p> <p>(a) Evaluations.—</p> <p>(1) EVALUATIONS OF PROGRAMS AND ACTIVITIES CARRIED OUT UNDER THIS TITLE.—</p> <p>(A) IN GENERAL.—For the purpose of improving the management and effectiveness of programs and activities carried out under this title, the Secretary, <b>through grants, contracts, or cooperative agreements</b>, shall provide for the continuing evaluation of the programs and activities under this title, including those programs and activities carried out under this section.</p> <p><b>(B) PERIODIC INDEPENDENT EVALUATION.—The evaluations carried out under this paragraph shall include an independent evaluation, at least once every 4 years, of the programs and activities carried out under this title.</b></p> <p>(2) EVALUATION SUBJECTS.—Each evaluation carried out under paragraph (1) shall address—</p> <p>(A) the general effectiveness of such programs and activities in relation to their cost, including the extent to which the programs and activities—</p> <p>(i) improve the employment competencies of participants in comparison to comparably-situated individuals who did not participate in such programs and activities; and</p> <p>(ii) to the extent feasible, increase the level of total employment over the level that would have existed in the absence of such programs and activities;</p> <p>(B) the effectiveness of the performance accountability measures relating to such programs and activities;</p> <p>(C) the effectiveness of the structure and mechanisms for delivery of services through such programs and activities, <b>including the coordination</b></p>

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<p>(4) the impact of the programs and activities on the community and participants involved;</p> <p>(5) the impact of such programs and activities on related programs and activities;</p> <p>(6) the extent to which such programs and activities meet the needs of various demographic groups; and</p> <p>(7) such other factors as may be appropriate.</p> <p>(b) OTHER PROGRAMS AND ACTIVITIES.--The Secretary may conduct evaluations of other federally funded employment-related programs and activities under other provisions of law.</p> <p>(c) TECHNIQUES.--Evaluations conducted under this section shall utilize appropriate methodology and research designs, including the use of control groups chosen by scientific random assignment methodologies. The Secretary shall conduct as least 1 multisite control group evaluation under this section by the end of fiscal year <del>2005</del>.</p> <p>(d) REPORTS.--The entity carrying out an evaluation described in subsection (a) or (b) shall prepare and submit to the Secretary a draft report and a final report containing the results of the evaluation.</p> <p>(e) REPORTS TO CONGRESS.--Not later than 30 days after the completion of such a draft report, the Secretary shall transmit the draft report to the Committee on Education and the Workforce of the House of Representatives and <del>the Committee on Labor and Human Resources of the</del></p>	<p>and integration of services through such programs and activities;</p> <p>(D) the impact of such programs and activities on the community, <del>businesses</del>, and participants involved;</p> <p>(E) the impact of such programs and activities on related programs and activities;</p> <p>(F) the extent to which such programs and activities meet the needs of various demographic groups; and</p> <p>(G) such other factors as may be appropriate.</p> <p>(3) EVALUATIONS OF OTHER PROGRAMS AND ACTIVITIES.—The Secretary may conduct evaluations of other federally funded employment-related programs and activities under other provisions of law.</p> <p>(4) TECHNIQUES.—Evaluations conducted under this subsection shall utilize appropriate and rigorous methodology and research designs, including the use of control groups chosen by scientific random assignment methodologies. The Secretary shall conduct at least 1 multisite control group evaluation under this subsection by the end of fiscal year <del>2019</del>, and thereafter shall ensure that such an analysis is included in the independent evaluation described in paragraph (1)(B) that is conducted at least once every 4 years.</p> <p>(5) REPORTS.—The entity carrying out an evaluation described in paragraph (1) or (2) shall prepare and submit to the Secretary a draft report and a final report containing the results of the evaluation.</p> <p>(6) REPORTS TO CONGRESS.—Not later than 30 days after the completion of a draft report under paragraph (5), the Secretary shall transmit the draft report to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor and Pensions</p>

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<p><b>Senate.</b> Not later than 60 days after the completion of such a final report, the Secretary shall transmit the final report to such committees of the Congress.</p>	<p><b>of the Senate.</b> Not later than 60 days after the completion of a final report under such paragraph, the Secretary shall transmit the final report to such committees.</p> <p><b>(7) PUBLIC AVAILABILITY.</b>—Not later than 30 days after the date the Secretary transmits the final report as described in paragraph (6), the Secretary shall make that final report available to the general public on the Internet, on the Web site of the Department of Labor.</p> <p><b>(8) PUBLICATION OF REPORTS.</b>—If an entity that enters into a contract or other arrangement with the Secretary to conduct an evaluation of a program or activity under this subsection requests permission from the Secretary to publish a report resulting from the evaluation, such entity may publish the report unless the Secretary denies the request during the 90-day period beginning on the date the Secretary receives such request.</p> <p><b>(9) COORDINATION.</b>—The Secretary shall ensure the coordination of evaluations carried out by States pursuant to section 116(e) with the evaluations carried out under this subsection.</p>
<p><b>(f ) COORDINATION.</b>--The Secretary shall ensure the coordination of evaluations carried out by States pursuant to section 136(e) with the evaluations carried out under this section.</p>	

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<p><b>SEC. 171. DEMONSTRATION, PILOT, MULTISERVICE, RESEARCH, AND MULTISTATE PROJECTS.-</b></p> <p>(a) STRATEGIC PLAN.--</p> <p>(1) IN GENERAL.--After consultation with States, localities, and other interested parties, the Secretary shall, every 2 years, publish in the Federal Register, a plan that describes <del>the demonstration and pilot (including dislocated worker demonstration and pilot), multiservice,</del> research, and multistate project priorities of the Department of Labor concerning employment and training for the 5-year period following the submission of the plan. Copies of the plan shall be transmitted to <del>the appropriate committees of Congress.</del></p> <p>(2) FACTORS.--The plan published under paragraph (1) shall contain strategies to address national employment and training problems and take into account factors such as—</p> <p class="list-item-l1">(A) the availability of existing research (as of the date of the publication);</p> <p class="list-item-l1">(B) the need to ensure results that have interstate validity;</p> <p class="list-item-l1">(C) the benefits of economies of scale and the efficiency of proposed projects; and</p> <p class="list-item-l1">(D) the likelihood that the results of the projects will be useful to policymakers and stakeholders in addressing employment and training problems.</p> <p><del>(b) DEMONSTRATION AND PILOT PROJECTS.—</del></p> <p><del>(1) IN GENERAL.—Under a plan published under subsection (a), the Secretary shall, through grants or contracts, carry out demonstration and pilot projects</del></p>	<p>SEC. 169. EVALUATIONS AND RESEARCH. Continued.</p> <p>(b) Research, Studies, and Multistate Projects.—</p> <p>(1) IN GENERAL.—After consultation with States, localities, and other interested parties, the Secretary shall, every 2 years, publish in the Federal Register, a plan that describes the research, <b>studies,</b> and multistate project priorities of the Department of Labor concerning employment and training for the 5-year period following the submission of the plan. <b>The plan shall be consistent with the purposes of this title, including the purpose of aligning and coordinating core programs with other one-stop partner programs.</b> Copies of the plan shall be transmitted <b>to the Committee on Education and the Workforce of the House of Representatives, the Committee on Health, Education, Labor, and Pensions of the Senate, the Department of Education, and other relevant Federal agencies.</b></p> <p>(2) FACTORS.—The plan published under paragraph (1) shall contain strategies to address national employment and training problems and take into account factors such as—</p> <p class="list-item-l1">(A) the availability of existing research (as of the date of the publication);</p> <p class="list-item-l1">(B) the need to ensure results that have interstate validity;</p> <p class="list-item-l1">(C) the benefits of economies of scale and the efficiency of proposed projects; and</p> <p class="list-item-l1">(D) the likelihood that the results of the projects will be useful to policymakers and stakeholders in addressing employment and training problems.</p>

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<p><del>for the purpose of developing and implementing techniques and approaches, and demonstrating the effectiveness of specialized methods, in addressing employment and training needs. Such projects shall include the provision of direct services to individuals to enhance employment opportunities and an evaluation component and may include—</del></p> <p><del>(A) the establishment of advanced manufacturing technology skill centers developed through local partnerships of industry, labor, education, community-based organizations, and economic development organizations to meet unmet, high-tech skill needs of local communities;</del></p> <p><del>(B) projects that provide training to upgrade the skills of employed workers who reside and are employed in enterprise communities or empowerment zones;</del></p> <p><del>(C) programs conducted jointly with the Department of Defense to develop training programs utilizing computer-based and other innovative learning technologies;</del></p> <p><del>(D) projects that promote the use of distance learning, enabling students to take courses through the use of media technology such as videos, teleconferencing computers, and the Internet;</del></p> <p><del>(E) projects that assist in providing comprehensive services to increase the employment rates of out-of-school youth residing in targeted high poverty areas within empowerment zones and enterprise communities;</del></p> <p><del>(F) the establishment of partnerships with national organizations with special expertise in developing, organizing, and administering employment and training services, for individuals with disabilities, at the national, State, and local levels;</del></p> <p><del>(G) projects to assist public housing authorities that provide, to public housing residents, job training programs that demonstrate success in upgrading the job skills and promoting employment of the residents; and</del></p>	

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<p><del>(H) projects that assist local areas to develop and implement local self-sufficiency standards to evaluate the degree to which participants in programs under this title are achieving self-sufficiency.</del></p> <p><del>(2) LIMITATIONS.—</del></p> <p><del>(A) COMPETITIVE AWARDS.— Grants or contracts awarded for carrying out demonstration and pilot projects under this subsection shall be awarded only on a competitive basis, except that a noncompetitive award may be made in the case of a project that is funded jointly with other public or private sector entities that provide a portion of the funding for the project.</del></p> <p><del>(B) ELIGIBLE ENTITIES.— Grants or contracts may be awarded under this subsection only to—</del></p> <p class="list-item-l1"><del>(i) entities with recognized expertise in—</del></p> <p class="list-item-l2"><del>(I) conducting national demonstration projects;</del></p> <p class="list-item-l2"><del>(II) utilizing state-of-the-art demonstration methods; or</del></p> <p class="list-item-l2"><del>(III) conducting evaluations of workforce investment projects; or</del></p> <p class="list-item-l1"><del>(ii) State and local entities with expertise in operating or overseeing workforce investment programs.</del></p> <p><del>(C) TIME LIMITS.— The Secretary shall establish appropriate time limits for carrying out demonstration and pilot projects under this subsection.</del></p> <p><del>(c) MULTISERVICE PROJECTS, RESEARCH PROJECTS, AND MULTISTATE PROJECTS.—</del></p> <p><del>(1) MULTISERVICE PROJECTS.— Under a plan published under subsection (a), the Secretary shall, through grants or contracts, carry out multiservice</del></p>	

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<p><del>projects—</del></p> <p><del>(A) that will test an array of approaches to the provision of employment and training services to a variety of targeted populations;</del></p> <p><del>(B) in which the entity carrying out the project, in conjunction with employers, organized labor, and other groups such as the disability community, will design, develop, and test various training approaches in order to determine effective practices; and</del></p> <p><del>(C) that will assist in the development and replication of effective service delivery strategies for targeted populations for the national employment and training system as a whole.</del></p> <p>(2) RESEARCH PROJECTS.--</p> <p>(A) IN GENERAL.--Under a plan published under subsection (a), the Secretary shall, through grants or contracts, carry out research projects that will contribute to the solution of employment and training problems in the United States.</p> <p><del>(B) FORMULA IMPROVEMENT STUDY AND REPORT.--</del></p> <p><del>(i) STUDY.--The Secretary shall conduct a 2-year study concerning improvements in the formulas described in section 132(b)(1)(B) and paragraphs (2)(A) and (3) of section 133(b) (regarding distributing funds under subtitle B to States and local areas for adult employment and training activities). In conducting the study, the Secretary shall examine means of improving the formulas by--</del></p> <p><del>(I) developing formulas based on statistically reliable data;</del></p> <p><del>(II) developing formulas that are consistent with the goals and objectives of this title; and</del></p> <p><del>(III) developing formulas based on organizational and financial</del></p>	<p>(3) RESEARCH PROJECTS.—The Secretary shall, through grants or contracts, carry out research projects that will contribute to the solution of employment and training problems in the United States and that are consistent with the priorities specified in the plan published under paragraph (1).</p>

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<del>stability of State boards and local boards.</del>	<p>(4) STUDIES AND REPORTS.—</p> <p>(A) NET IMPACT STUDIES AND REPORTS.—The Secretary of Labor, in coordination with the Secretary of Education and other relevant Federal agencies, may conduct studies to determine the net impact and best practices of programs, services, and activities carried out under this Act.</p> <p>(B) STUDY ON RESOURCES AVAILABLE TO ASSIST DISCONNECTED YOUTH.—The Secretary of Labor, in coordination with the Secretary of Education, may conduct a study examining the characteristics of eligible youth that result in such youth being significantly disconnected from education and workforce participation, the ways in which such youth could have greater opportunities for education attainment and obtaining employment, and the resources available to assist such youth in obtaining the skills, credentials, and work experience necessary to become economically self-sufficient.</p> <p>(C) STUDY OF EFFECTIVENESS OF WORKFORCE DEVELOPMENT SYSTEM IN MEETING BUSINESS NEEDS.—Using funds available to carry out this subsection jointly with funds available to the Secretary of Commerce, the Administrator of the Small Business Administration, and the Secretary of Education, the Secretary of Labor, in coordination with the Secretary of Commerce, the Administrator of the Small Business Administration, and the Secretary of Education, may conduct a study of the effectiveness of the workforce development system in meeting the needs of business, such as through the use of industry or sector partnerships, with particular attention to the needs of small business, including in assisting workers to obtain the skills needed to utilize emerging technologies.</p>

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	<p>(D) STUDY ON PARTICIPANTS ENTERING NONTRADITIONAL OCCUPATIONS.—The Secretary of Labor, in coordination with the Secretary of Education, may conduct a study examining the number and percentage of individuals who receive employment and training activities and who enter nontraditional occupations, successful strategies to place and support the retention of individuals in nontraditional employment (such as by providing post-placement assistance to participants in the form of exit interviews, mentoring, networking, and leadership development), and the degree to which recipients of employment and training activities are informed of the possibility of, or directed to begin, training or education needed for entrance into nontraditional occupations.</p> <p>(E) STUDY ON PERFORMANCE INDICATORS.—The Secretary of Labor, in coordination with the Secretary of Education, may conduct studies to determine the feasibility of, and potential means to replicate, measuring the compensation, including the wages, benefits, and other incentives provided by an employer, received by program participants by using data other than or in addition to data available through wage records, for potential use as a performance indicator.</p> <p>(F) STUDY ON JOB TRAINING FOR RECIPIENTS OF PUBLIC HOUSING ASSISTANCE.—The Secretary of Labor, in coordination with the Secretary of Housing and Urban Development, may conduct studies to assist public housing authorities to provide, to recipients of public housing assistance, job training programs that successfully upgrade job skills and employment in, and access to, jobs with opportunity for advancement and economic self-sufficiency for such recipients.</p> <p>(G) STUDY ON IMPROVING EMPLOYMENT PROSPECTS FOR OLDER</p>

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	<p><b>INDIVIDUALS.</b>—The Secretary of Labor, in coordination with the Secretary of Education and the Secretary of Health and Human Services, may conduct studies that lead to better design and implementation of, in conjunction with employers, local boards or State boards, community colleges or area career and technical education schools, and other organizations, effective evidence-based strategies to provide services to workers who are low-income, low-skilled older individuals that increase the workers' skills and employment prospects.</p> <p><b>(H) STUDY ON PRIOR LEARNING.</b>—The Secretary of Labor, in coordination with other heads of Federal agencies, as appropriate, may conduct studies that, through convening stakeholders from the fields of education, workforce, business, labor, defense, and veterans services, and experts in such fields, develop guidelines for assessing, accounting for, and utilizing the prior learning of individuals, including dislocated workers and veterans, in order to provide the individuals with postsecondary educational credit for such prior learning that leads to the attainment of a recognized postsecondary credential identified under section 122(d) and employment.</p> <p><b>(I) STUDY ON CAREER PATHWAYS FOR HEALTH CARE PROVIDERS AND PROVIDERS OF EARLY EDUCATION AND CHILD CARE.</b>—The Secretary of Labor, in coordination with the Secretary of Education and the Secretary of Health and Human Services, shall conduct a multistate study to develop, implement, and build upon career advancement models and practices for low-wage health care providers or providers of early education and child care, including faculty education and distance education programs.</p> <p><b>(J) STUDY ON EQUIVALENT PAY.</b>—The Secretary shall conduct a multistate study to develop and disseminate strategies for ensuring that</p>

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<p>(ii) REPORT.--The Secretary shall prepare and submit <del>to Congress</del> a report containing the results of the study, <del>including recommendations for improved formulas.</del></p> <p>(3) MULTISTATE PROJECTS.-- (A) IN GENERAL.-- (i) AUTHORITY.--Under a plan published under subsection (a), the Secretary may, through grants or contracts, carry out multistate projects that require demonstrated expertise that is available at the national level to effectively disseminate best practices and models for implementing employment and training services, address the specialized employment and training needs of particular service populations, or address industry-wide skill shortages.</p> <p>(ii) DESIGN OF GRANTS.--Grants or contracts awarded under this subsection shall be designed to obtain information relating to the provision of services under different economic conditions or to various demographic groups in order to provide guidance at the national and State levels about how best to administer specific employment and training services.</p> <p>(4) LIMITATIONS.--</p>	<p>programs and activities carried out under this Act are placing individuals in jobs, education, and training that lead to equivalent pay for men and women, including strategies to increase the participation of women in high-wage, high-demand occupations in which women are underrepresented.</p> <p>(K) REPORTS.—The Secretary shall prepare and disseminate to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and the Workforce of the House of Representatives, and to the public, including through electronic means, reports containing the results of the studies conducted under this paragraph.</p> <p>(5) MULTISTATE PROJECTS.— (A) AUTHORITY.—The Secretary may, through grants or contracts, carry out multistate projects that require demonstrated expertise that is available at the national level to effectively disseminate best practices and models for implementing employment and training services, address the specialized employment and training needs of particular service populations, or address industry-wide skill shortages, to the extent such projects are consistent with the priorities specified in the plan published under paragraph (1).</p> <p>(B) DESIGN OF GRANTS.—Agreements for grants or contracts awarded under this paragraph shall be designed to obtain information relating to the provision of services under different economic conditions or to various demographic groups in order to provide guidance at the national and State levels about how best to administer specific employment and training services.</p> <p>(6) LIMITATIONS.—</p>

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<p>(A) COMPETITIVE AWARDS.--Grants or contracts awarded for carrying out projects under this subsection in amounts that exceed \$100,000 shall be awarded only on a competitive basis, except that a noncompetitive award may be made in the case of a project that is funded jointly with other public or private sector entities that provide a substantial portion of assistance under the grant or contract for the project.</p> <p>(B) TIME LIMITS.--A grant or contract shall not be awarded under this subsection to the same organization for more than 3 consecutive years unless such grant or contract is competitively reevaluated within such period.</p> <p>(C) PEER REVIEW.--</p> <p>(i) IN GENERAL.--The Secretary shall utilize a peer review process—</p> <p>(I) to review and evaluate all applications for grants in amounts that exceed \$500,000 that are submitted under this section; and</p> <p>(II) to review and designate exemplary and promising programs under this section.</p> <p>(ii) AVAILABILITY OF FUNDS.--The Secretary is authorized to use funds provided under this section to carry out peer review activities under this subparagraph.</p> <p>(D) PRIORITY.--In awarding grants or contracts under this subsection, priority shall be provided to entities with nationally recognized expertise in the methods, techniques, and knowledge of workforce investment activities and shall include appropriate time limits, established by the Secretary, for the duration of such projects.</p> <p>(d) DISLOCATED WORKER PROJECTS.--Of the amount made available pursuant to section 132(a)(2)(A) for any program year, the Secretary shall use not more</p>	<p>(A) COMPETITIVE AWARDS.—A grant or contract awarded for carrying out a project under this subsection in an amount that exceeds \$100,000 shall be awarded only on a competitive basis, except that a noncompetitive award may be made in the case of a project that is funded jointly with other public or private sector entities that provide a substantial portion of assistance under the grant or contract for the project.</p> <p>(B) TIME LIMITS.—A grant or contract shall not be awarded under this subsection to the same organization for more than 3 consecutive years unless such grant or contract is competitively reevaluated within such period.</p> <p>(C) PEER REVIEW.—</p> <p>(i) IN GENERAL.—The Secretary shall utilize a peer review process—</p> <p>(I) to review and evaluate all applications for grants in amounts that exceed \$500,000 that are submitted under this section; and</p> <p>(II) to review and designate exemplary and promising programs under this section.</p> <p>(ii) AVAILABILITY OF FUNDS.—The Secretary is authorized to use funds provided under this section to carry out peer review activities under this subparagraph.</p> <p>(D) PRIORITY.—In awarding grants or contracts under this subsection, priority shall be provided to entities with recognized expertise in the methods, techniques, and knowledge of workforce investment activities. The Secretary shall establish appropriate time limits for the duration of such projects.</p> <p>(c) Dislocated Worker Projects.—Of the amount made available pursuant to section 132(a)(2)(A) for any program year, the Secretary shall use not more</p>

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<p>than 10 percent of such amount to carry out demonstration and pilot projects, multiservice projects, and multistate projects, relating to the employment and training needs of dislocated workers. Of the requirements of this section, such projects shall be subject only to the provisions relating to review and evaluation of applications under subsection (c)(4)(C). Such projects may include demonstration and pilot projects relating to promoting self-employment, promoting job creation, averting dislocations, assisting dislocated farmers, assisting dislocated fishermen, and promoting public works. Such projects shall be administered <b>through the dislocated worker office described in section 173(b).</b></p>	<p>than 10 percent of such amount to carry out demonstration and pilot projects, multiservice projects, and multistate projects relating to the employment and training needs of dislocated workers. <b>Of the requirements of this section, such projects shall be subject only to the provisions relating to the employment and training needs of dislocated workers.</b> Of the requirements of this section, such projects shall be subject only to the provisions relating to review and evaluation of applications under subsection (b)(6)(C). Such projects may include demonstration and pilot projects relating to promoting self-employment, promoting job creation, averting dislocations, assisting dislocated farmers, assisting dislocated fishermen, and promoting public works. Such projects shall be administered <b>by the Secretary, acting through the Assistant Secretary for Employment and Training.</b></p>
<p>SEC. 173. NATIONAL <b>EMERGENCY</b> GRANTS.</p> <p>(a) IN GENERAL.—</p>	<p>SEC. 170. <b>NATIONAL DISLOCATED WORKER GRANTS.</b></p> <p><b>(a) Definitions.—In this section:</b></p> <p><b>(1) EMERGENCY OR DISASTER.—</b>The term “emergency or disaster” means—</p> <p>(A) an emergency or a major disaster, as defined in paragraphs (1) and (2), respectively, of section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122 (1) and (2)); or</p> <p>(B) an emergency or disaster situation of national significance that could result in a potentially large loss of employment, as declared or otherwise recognized by the chief official of a Federal agency with authority for or jurisdiction over the Federal response to the emergency or disaster situation.</p> <p><b>(2) DISASTER AREA.—</b>The term “disaster area” means an area that has suffered or in which has occurred an emergency or disaster.</p> <p>(b) In General.—</p>

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<p>The Secretary is authorized to award national emergency grants in a timely manner—</p> <p>(1) to an entity described in subsection (c) to provide employment and training assistance to workers affected by major economic dislocations, such as plant closures, mass layoffs, or closures and realignments of military installations;</p> <p>(2) to provide assistance to the Governor of any State within the boundaries of which is an area that has suffered an emergency or a major disaster as defined in paragraphs (1) and (2), respectively, of section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122 (1) and (2)) (referred to in this section as the "disaster area") to provide disaster relief employment in the area; and</p> <p>(3) to provide additional assistance to a State or local board for eligible dislocated workers in a case in which the State or local board has expended the funds provided under this section to carry out activities described in paragraphs (1) and (2) and can demonstrate the need for additional funds to provide appropriate services for such workers, in accordance with requirements prescribed by the Secretary.</p>	<p>(1) GRANTS.—The Secretary is authorized to award national dislocated worker grants—</p> <p>(A) to an entity described in subsection (c)(1)(B) to provide employment and training assistance to workers affected by major economic dislocations, such as plant closures, mass layoffs, or closures and realignments of military installations;</p> <p>(B) to provide assistance to—</p> <p>(i) the Governor of any State within the boundaries of which is a disaster area, to provide disaster relief employment in the disaster area; or</p> <p>(ii) the Governor of any State to which a substantial number of workers from an area in which an emergency or disaster has been declared or otherwise recognized have relocated;</p> <p>(C) to provide additional assistance to a State board or local board for eligible dislocated workers in a case in which the State board or local board has expended the funds provided under this section to carry out activities described in subparagraphs (A) and (B) and can demonstrate the need for additional funds to provide appropriate services for such workers, in accordance with requirements prescribed by the Secretary; and</p> <p>(D) to provide additional assistance to a State board or local board serving an area where—</p> <p>(i) a higher-than-average demand for employment and training activities for dislocated members of the Armed Forces, spouses described in section 3(15)(E), or members of the Armed Forces described in subsection (c)(2)(A)(iv), exceeds State and local resources for providing</p>

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<p>(b) ADMINISTRATION.--The Secretary shall designate a dislocated worker office to coordinate the functions of the Secretary under this title relating to employment and training activities for dislocated workers, including activities carried out under the national emergency grants.</p> <p>(c) EMPLOYMENT AND TRAINING ASSISTANCE REQUIREMENTS.--</p> <p>(1) GRANT RECIPIENT ELIGIBILITY.—</p> <p>(A) APPLICATION.--To be eligible to receive a grant under subsection (a)(1), an entity shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.</p> <p>(B) ELIGIBLE ENTITY.--In this paragraph, the term "entity" means a State, a local board, an entity described in section 166(c), entities determined to be eligible by the Governor of the State involved, and other entities that demonstrate to the Secretary the capability to effectively respond to the circumstances relating to particular dislocations.</p> <p>(2) PARTICIPANT ELIGIBILITY.--</p> <p>(A) IN GENERAL.--In order to be eligible to receive employment and training assistance under a national emergency grant awarded pursuant to subsection (a)(1), an individual shall be—</p> <p>(i) a dislocated worker;</p>	<p>such activities; and</p> <p>(ii) such activities are to be carried out in partnership with the Department of Defense and Department of Veterans Affairs transition assistance programs.</p> <p>(2) DECISIONS AND OBLIGATIONS.—The Secretary shall issue a final decision on an application for a national dislocated worker grant under this subsection not later than 45 calendar days after receipt of the application. The Secretary shall issue a notice of obligation for such grant not later than 10 days after the award of such grant.</p> <p>(c) Employment and Training Assistance Requirements.—</p> <p>(1) GRANT RECIPIENT ELIGIBILITY.—</p> <p>(A) APPLICATION.—To be eligible to receive a grant under subsection (b)(1)(A), an entity shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.</p> <p>(B) ELIGIBLE ENTITY.—In this paragraph, the term "entity" means a State, a local board, an entity described in section 166(c), an entity determined to be eligible by the Governor of the State involved, and any other entity that demonstrates to the Secretary the capability to effectively respond to the circumstances relating to particular dislocations.</p> <p>(2) PARTICIPANT ELIGIBILITY.—</p> <p>(A) IN GENERAL.—In order to be eligible to receive employment and training assistance under a national dislocated worker grant awarded pursuant to subsection (b)(1)(A), an individual shall be—</p> <p>(i) a dislocated worker;</p>

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<p>(ii) a civilian employee of the Department of Defense or the Department of Energy employed at a military installation that is being closed, or that will undergo realignment, within the next 24 months after the date of the determination of eligibility;</p> <p>(iii) an individual who is employed in a nonmanagerial position with a Department of Defense contractor, who is determined by the Secretary of Defense to be at-risk of termination from employment as a result of reductions in defense expenditures, and whose employer is converting operations from defense to nondefense applications in order to prevent worker layoffs; or</p> <p>(iv) a member of the Armed Forces who—</p> <p style="padding-left: 20px;">(I) was on active duty or full-time National Guard duty;</p> <p style="padding-left: 20px;">(II)(aa) is involuntarily separated (as defined in section 1141 of title 10, United States Code) from active duty or full-time National Guard duty; or</p> <p style="padding-left: 20px;">(bb) is separated from active duty or full-time National Guard duty pursuant to a special separation benefits program under section 1174a of title 10, United States Code, or the voluntary separation incentive program under section 1175 of that title;</p> <p style="padding-left: 20px;">(III) is not entitled to retired or retained pay incident to the separation described in subclause (II); and</p> <p style="padding-left: 20px;">(IV) applies for such employment and training assistance before the end of the 180-day period beginning on the date of that separation.</p> <p>(B) RETRAINING ASSISTANCE.--The individuals described in subparagraph (A)(iii) shall be eligible for retraining assistance to upgrade skills by obtaining marketable skills needed to support the conversion described in subparagraph (A)(iii).</p> <p>(C) ADDITIONAL REQUIREMENTS.--The Secretary shall establish and publish</p>	<p>(ii) a civilian employee of the Department of Defense or the Department of Energy employed at a military installation that is being closed, or that will undergo realignment, within the next 24 months after the date of the determination of eligibility;</p> <p>(iii) an individual who is employed in a nonmanagerial position with a Department of Defense contractor, who is determined by the Secretary of Defense to be at risk of termination from employment as a result of reductions in defense expenditures, and whose employer is converting operations from defense to nondefense applications in order to prevent worker layoffs; or</p> <p>(iv) a member of the Armed Forces who—</p> <p style="padding-left: 20px;">(I) was on active duty or full-time National Guard duty;</p> <p style="padding-left: 20px;">(II)(aa) is involuntarily separated (as defined in section 1141 of title 10, United States Code) from active duty or full-time National Guard duty; or</p> <p style="padding-left: 20px;">(bb) is separated from active duty or full-time National Guard duty pursuant to a special separation benefits program under section 1174a of title 10, United States Code, or the voluntary separation incentive program under section 1175 of that title;</p> <p style="padding-left: 20px;">(III) is not entitled to retired or retained pay incident to the separation described in subclause (II); and</p> <p style="padding-left: 20px;">(IV) applies for such employment and training assistance before the end of the 180-day period beginning on the date of that separation.</p> <p>(B) RETRAINING ASSISTANCE.—The individuals described in subparagraph (A)(iii) shall be eligible for retraining assistance to upgrade skills by obtaining marketable skills needed to support the conversion described in subparagraph (A)(iii).</p> <p>(C) ADDITIONAL REQUIREMENTS.—The Secretary shall establish and publish</p>

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<p>additional requirements related to eligibility for employment and training assistance under the national emergency grants to ensure effective use of the funds available for this purpose.</p> <p>(D) DEFINITIONS.--In this paragraph, the terms "military institution" and "realignment" have the meanings given the terms in section 2910 of the Defense Base Closure and Realignment Act of 1990 (Public Law 101-510; 10 U.S.C. 2687 note).</p> <p>(d) DISASTER RELIEF EMPLOYMENT ASSISTANCE REQUIREMENTS.--</p> <p>(1) IN GENERAL.--Funds made available under subsection (a)(2)—</p> <p>(A) shall be used to provide disaster relief employment on projects that provide food, clothing, shelter, and other humanitarian assistance for disaster victims, and projects regarding demolition, cleaning, repair, renovation, and reconstruction of damaged and destroyed structures, facilities, and lands located within the disaster area;</p> <p>(B) may be expended through public and private agencies and organizations engaged in such projects; and</p> <p>(C) may be expended to provide employment and training activities.</p> <p>(2) ELIGIBILITY.--An individual shall be eligible to be offered disaster relief employment under subsection (a)(2) if such individual</p> <p>is a dislocated worker,</p> <p>is a long-term unemployed individual, or</p> <p>is temporarily or permanently laid off as a consequence of the disaster.</p>	<p>additional requirements related to eligibility for employment and training assistance under the national dislocated worker grants to ensure effective use of the funds available for this purpose.</p> <p>(D) DEFINITIONS.—In this paragraph, the terms “military installation” and “realignment” have the meanings given the terms in section 2910 of the Defense Base Closure and Realignment Act of 1990 (Public Law 101-510; 10 U.S.C. 2687 note).</p> <p>(d) Disaster Relief Employment Assistance Requirements.—</p> <p>(1) IN GENERAL.—Funds made available under subsection (b)(1)(B)—</p> <p>(A) shall be used, <b>in coordination with the Administrator of the Federal Emergency Management Agency, as applicable</b>, to provide disaster relief employment on projects that provide food, clothing, shelter, and other humanitarian assistance for <b>emergency</b> and disaster victims, and projects regarding demolition, cleaning, repair, renovation, and reconstruction of damaged and destroyed structures, facilities, and lands located within the disaster area <b>and in offshore areas related to the emergency or disaster</b>;</p> <p>(B) may be expended through public and private agencies and organizations engaged in such projects; and</p> <p>(C) may be expended to provide employment and training activities.</p> <p>(2) ELIGIBILITY.—An individual shall be eligible to be offered disaster relief employment under subsection (b)(1)(B) if such individual—</p> <p>(A) is a dislocated worker;</p> <p>(B) is a long-term unemployed individual;</p> <p>(C) is temporarily or permanently laid off as a consequence of the <b>emergency</b> or disaster; or</p>

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<p>(3) LIMITATIONS ON DISASTER RELIEF EMPLOYMENT.- -No individual shall be employed under subsection (a)(2) for more than <del>6 months</del> for work related to recovery from a single <del>natural</del> disaster.</p>	<p>(D) in the case of an individual who is self-employed, becomes unemployed or significantly underemployed as a result of the emergency or disaster.</p> <p>(3) LIMITATIONS ON DISASTER RELIEF EMPLOYMENT.— (A) IN GENERAL.—Except as provided in subparagraph (B), no individual shall be employed under subsection (b)(1)(B) for more than 12 months for work related to recovery from a single emergency or disaster. (B) EXTENSION.—At the request of a State, the Secretary may extend such employment, related to recovery from a single emergency or disaster involving the State, for not more than an additional 12 months.</p> <p>(4) USE OF AVAILABLE FUNDS.—Funds made available under subsection (b)(1)(B) shall be available to assist workers described in paragraph (2) who are affected by an emergency or disaster, including workers who have relocated from an area in which an emergency or disaster has been declared or otherwise recognized, as appropriate. Under conditions determined by the Secretary and following notification to the Secretary, a State may use such funds that are appropriated for any fiscal year and available for expenditure under any grant awarded to the State under this section, to provide any assistance authorized under this subsection. Funds used pursuant to the authority provided under this paragraph shall be subject to the liability and reimbursement requirements described in paragraph (5).</p> <p>(5) LIABILITY AND REIMBURSEMENT.—Nothing in this Act shall be construed to relieve liability, by a responsible party that is liable under Federal law, for any costs incurred by the United States under subsection (b)(1)(B) or this subsection, including the responsibility to provide reimbursement for such costs to the United States.</p>

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<p><del>SEC. 169. YOUTH OPPORTUNITY GRANTS.</del></p> <p><del>(a) GRANTS.—</del></p> <p><del>(1) IN GENERAL.—Using funds made available under section 127(b)(1)(A), the Secretary shall make grants to eligible local boards and eligible entities described in subsection (d) to provide activities described in subsection (b) for youth to increase the long-term employment of youth who live in empowerment zones, enterprise communities, and high poverty areas and who seek assistance.</del></p> <p><del>(2) DEFINITION.—In this section, the term "youth" means an individual who is not less than age 14 and not more than age 21.</del></p> <p><del>(3) GRANT PERIOD.—The Secretary may make a grant under this section for a 1-year period, and may renew the grant for each of the 4 succeeding years.</del></p> <p><del>(4) GRANT AWARDS.—In making grants under this section, the Secretary shall ensure that grants are distributed equitably among local boards and entities serving urban areas and local boards and entities serving rural areas, taking into consideration the poverty rate in such urban and rural areas, as described in subsection (c)(3)(B).</del></p> <p><del>(b) USE OF FUNDS.—</del></p> <p><del>(1) IN GENERAL.—A local board or entity that receives a grant under this section shall use the funds made available through the grant to provide activities that meet the requirements of section 129, except as provided in paragraph (2), as well as youth development activities such as activities relating to leadership development, citizenship, and community service, and recreation activities.</del></p> <p><del>(2) INTENSIVE PLACEMENT AND FOLLOWUP SERVICES.—In providing activities under this section, a local board or entity shall provide—</del></p> <p><del>(A) intensive placement services; and</del></p> <p><del>(B) followup services for not less than 24 months after the completion of participation in the other activities.</del></p>	<p>SEC. 171. YOUTHBUILD PROGRAM.</p> <p>(a) Statement of Purpose.—The purposes of this section are—</p> <p>(1) to enable disadvantaged youth to obtain the education and employment skills necessary to achieve economic self-sufficiency in occupations in demand and postsecondary education and training opportunities;</p> <p>(2) to provide disadvantaged youth with opportunities for meaningful work and service to their communities;</p> <p>(3) to foster the development of employment and leadership skills and commitment to community development among youth in low-income communities;</p> <p>(4) to expand the supply of permanent affordable housing for homeless individuals and low-income families by utilizing the energies and talents of disadvantaged youth; and</p> <p>(5) to improve the quality and energy efficiency of community and other nonprofit and public facilities, including those facilities that are used to serve homeless and low-income families.</p> <p>(b) Definitions.—In this section:</p> <p>(1) ADJUSTED INCOME.—The term “adjusted income” has the meaning given the term in section 3(b) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)).</p> <p>(2) APPLICANT.—The term “applicant” means an eligible entity that has submitted an application under subsection (c).</p>

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<p><del>described in this subsection, as appropriate.</del></p> <p><del>(c) ELIGIBLE LOCAL BOARDS.—To be eligible to receive a grant under this section, a local board shall serve a community that—</del></p> <p><del>(1) has been designated as an empowerment zone or enterprise community under section 1391 of the Internal Revenue Code of 1986;</del></p> <p><del>(2)(A) is a State without a zone or community described in paragraph (1); and</del></p> <p><del>(B) has been designated as a high poverty area by the Governor of the State; or</del></p> <p><del>(3) is 1 of 2 areas in a State that—</del></p> <p><del>(A) have been designated by the Governor as areas for which a local board may apply for a grant under this section; and</del></p> <p><del>(B) meet the poverty rate criteria set forth in subsections (a)(4), (b), and (d) of section 1392 of the Internal Revenue Code of 1986.</del></p> <p><del>(d) ELIGIBLE ENTITIES.—To be eligible to receive a grant under this section, an entity (other than a local board) shall—</del></p> <p><del>(1) be a recipient of financial assistance under section 166; and</del></p> <p><del>(2) serve a community that—</del></p> <p><del>(A) meets the poverty rate criteria set forth in subsections (a)(4), (b), and (d) of section 1392 of the Internal Revenue Code of 1986; and</del></p> <p><del>(B) is located on an Indian reservation or serves Oklahoma Indians or Alaska Native villages or Native groups (as such terms are defined in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602)).</del></p> <p><del>(e) APPLICATION.—To be eligible to receive a grant under this section, a local board or entity shall submit an application to the Secretary at such time, in</del></p>	<p>(3) ELIGIBLE ENTITY.—The term “eligible entity” means a public or private nonprofit agency or organization (including a consortium of such agencies or organizations), including—</p> <p>(A) a community-based organization;</p> <p>(B) a faith-based organization;</p> <p>(C) an entity carrying out activities under this title, such as a local board;</p> <p>(D) a community action agency;</p> <p>(E) a State or local housing development agency;</p> <p>(F) an Indian tribe or other agency primarily serving Indians;</p> <p>(G) a community development corporation;</p> <p>(H) a State or local youth service or conservation corps; and</p> <p>(I) any other entity eligible to provide education or employment training under a Federal program (other than the program carried out under this section).</p> <p>(4) HOMELESS INDIVIDUAL.—The term “homeless individual” means a homeless individual (as defined in section 41403(6) of the Violence Against Women Act of 1994 (42 U.S.C. 14043e-2(6))) or a homeless child or youth (as defined in section 725(2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a(2))).</p> <p>(5) HOUSING DEVELOPMENT AGENCY.—The term “housing development agency” means any agency of a State or local government, or any private nonprofit organization, that is engaged in providing housing for homeless individuals or low-income families.</p> <p>(6) INCOME.—The term “income” has the meaning given the term in section 3(b) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)).</p>

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<p><del>such manner, and containing such information as the Secretary may require, including—</del></p> <p><del>(1) a description of the activities that the local board or entity will provide under this section to youth in the community described in subsection (c);</del></p> <p><del>(2) a description of the performance measures negotiated under subsection (f), and the manner in which the local boards or entities will carry out the activities to meet the performance measures;</del></p> <p><del>(3) a description of the manner in which the activities will be linked to activities described in section 129; and</del></p> <p><del>(4) a description of the community support, including financial support through leveraging additional public and private resources, for the activities.</del></p> <p><del>(f) PERFORMANCE MEASURES.—</del></p> <p><del>(1) IN GENERAL.—The Secretary shall negotiate and reach agreement with the local board or entity on performance measures for the indicators of performance referred to in subparagraphs (A) and (B) of section 136(b)(2) that will be used to evaluate the performance of the local board or entity in carrying out the</del></p> <p><del>activities described in subsection (b). Each local performance measure shall consist of such a indicator of performance, and a performance level referred to in paragraph (2).</del></p> <p><del>(2) PERFORMANCE LEVELS.—The Secretary shall negotiate and reach agreement with the local board or entity regarding the levels of performance expected to be achieved by the local board or entity on the indicators of performance.</del></p> <p><del>(g) ROLE MODEL ACADEMY PROJECT.—</del></p> <p><del>(1) IN GENERAL.—Using the funds made available pursuant to section 127(b)(1)(A)(iv) for fiscal year 1999, the Secretary shall provide assistance to an</del></p>	<p>(7) INDIAN; INDIAN TRIBE.—The terms “Indian” and “Indian tribe” have the meanings given such terms in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).</p> <p>(8) LOW-INCOME FAMILY.—The term “low-income family” means a family described in section 3(b)(2) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)(2)).</p> <p>(9) QUALIFIED NATIONAL NONPROFIT AGENCY.—The term “qualified national nonprofit agency” means a nonprofit agency that—</p> <p class="margin-left: 40px;">(A) has significant national experience providing services consisting of training, information, technical assistance, and data management to YouthBuild programs or similar projects; and</p> <p class="margin-left: 40px;">(B) has the capacity to provide those services.</p> <p>(10) REGISTERED APPRENTICESHIP PROGRAM.—The term “registered apprenticeship program” means an apprenticeship program—</p> <p class="margin-left: 40px;">(A) registered under the Act of August 16, 1937 (commonly known as the “National Apprenticeship Act”; 50 Stat. 664, chapter 663; 29 U.S.C. 50 et seq.); and</p> <p class="margin-left: 40px;">(B) that meets such other criteria as may be established by the Secretary under this section.</p> <p>(11) TRANSITIONAL HOUSING.—The term “transitional housing” has the meaning given the term in section 401(29) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11360(29)).</p>

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<p><del>entity to carry out a project establishing a role model academy for out-of-school youth.</del></p> <p><del>(2) RESIDENTIAL CENTER.—The entity shall use the assistance to establish an academy that consists of a residential center located on the site of a military installation closed or realigned pursuant to a law providing for closures and realignments of such installations.</del></p> <p><del>(3) SERVICES.—The academy established pursuant to this subsection shall provide services that—</del></p> <p><del>(A) utilize a military style model that emphasizes leadership skills and discipline, or another model of demonstrated effectiveness; and</del></p> <p><del>(B) include vocational training, secondary school course work leading to a secondary school diploma or recognized equivalent, and the use of mentors who serve as role models and who provide academic training and career counseling to the youth.</del></p>	<p>(12) YOUTHBUILD PROGRAM.—The term “YouthBuild program” means any program that receives assistance under this section and provides disadvantaged youth with opportunities for employment, education, leadership development, and training through the rehabilitation (which, for purposes of this section, shall include energy efficiency enhancements) or construction of housing for homeless individuals and low-income families, and of public facilities.</p> <p>(c) YouthBuild Grants.—</p> <p>(1) AMOUNTS OF GRANTS.—The Secretary is authorized to make grants to applicants for the purpose of carrying out YouthBuild programs approved under this section.</p> <p>(2) ELIGIBLE ACTIVITIES.—An entity that receives a grant under this subsection shall use the funds made available through the grant to carry out a YouthBuild program, which may include the following activities:</p> <p>(A) Education and workforce investment activities including—</p> <p>(i) work experience and skills training (coordinated, to the maximum extent feasible, with preapprenticeship and registered apprenticeship programs) in the activities described in subparagraphs (B) and (C) related to rehabilitation or construction, and, if approved by the Secretary, in additional in-demand industry sectors or occupations in the region in which the program operates;</p> <p>(ii) occupational skills training;</p> <p>(iii) other paid and unpaid work experiences, including internships and job shadowing;</p> <p>(iv) services and activities designed to meet the educational needs of participants, including—</p>

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	<p>(I) basic skills instruction and remedial education;</p> <p>(II) language instruction educational programs for participants who are English language learners;</p> <p>(III) secondary education services and activities, including tutoring, study skills training, and school dropout prevention and recovery activities, designed to lead to the attainment of a secondary school diploma or its recognized equivalent (including recognized certificates of attendance or similar documents for individuals with disabilities);</p> <p>(IV) counseling and assistance in obtaining postsecondary education and required financial aid; and</p> <p>(V) alternative secondary school services;</p> <p>(v) counseling services and related activities, such as comprehensive guidance and counseling on drug and alcohol abuse and referral;</p> <p>(vi) activities designed to develop employment and leadership skills, which may include community service and peer-centered activities encouraging responsibility and other positive social behaviors, and activities related to youth policy committees that participate in decision-making related to the program;</p> <p>(vii) supportive services and provision of need-based stipends necessary to enable individuals to participate in the program and to assist individuals, for a period not to exceed 12 months after the completion of training, in obtaining or retaining employment, or applying for and transitioning to postsecondary education or training; and</p> <p>(viii) job search and assistance.</p> <p>(B) Supervision and training for participants in the rehabilitation or construction of housing, including residential housing for homeless individuals or low-income families, or transitional housing for homeless individuals, and, if approved by the Secretary, in additional in-demand industry sectors or</p>

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	<p>occupations in the region in which the program operates.</p> <p>(C) Supervision and training for participants— (i) in the rehabilitation or construction of community and other public facilities, except that not more than 15 percent of funds appropriated to carry out this section may be used for such supervision and training; and (ii) if approved by the Secretary, in additional in-demand industry sectors or occupations in the region in which the program operates.</p> <p>(D) Payment of administrative costs of the applicant, including recruitment and selection of participants, except that not more than 10 percent of the amount of assistance provided under this subsection to the grant recipient may be used for such costs.</p> <p>(E) Adult mentoring.</p> <p>(F) Provision of wages, stipends, or benefits to participants in the program.</p> <p>(G) Ongoing training and technical assistance that are related to developing and carrying out the program.</p> <p>(H) Follow-up services.</p> <p>(3) APPLICATION.— (A) FORM AND PROCEDURE.—To be qualified to receive a grant under this subsection, an eligible entity shall submit an application at such time, in such manner, and containing such information as the Secretary may require.</p> <p>(B) MINIMUM REQUIREMENTS.—The Secretary shall require that the</p>

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	<p>application contain, at a minimum—</p> <ul style="list-style-type: none"><li>(i) labor market information for the labor market area where the proposed program will be implemented, including both current data (as of the date of submission of the application) and projections on career opportunities in construction and in-demand industry sectors or occupations;</li><li>(ii) a request for the grant, specifying the amount of the grant requested and its proposed uses;</li><li>(iii) a description of the applicant and a statement of its qualifications, including a description of the applicant's relationship with local boards, one-stop operators, local unions, entities carrying out registered apprenticeship programs, other community groups, and employers, and the applicant's past experience, if any, with rehabilitation or construction of housing or public facilities, and with youth education and employment training programs;</li><li>(iv) a description of the proposed site for the proposed program;</li><li>(v) a description of the educational and job training activities, work opportunities, postsecondary education and training opportunities, and other services that will be provided to participants, and how those activities, opportunities, and services will prepare youth for employment in in-demand industry sectors or occupations in the labor market area described in clause (i);</li><li>(vi)(I) a description of the proposed activities to be undertaken under the grant related to rehabilitation or construction, and, in the case of an applicant requesting approval from the Secretary to also carry out additional activities related to in-demand industry sectors or occupations, a description of such additional proposed activities; and (II) the anticipated schedule for carrying out all activities proposed under subclause (I);</li></ul>

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	<p>(vii) a description of the manner in which eligible youth will be recruited and selected as participants, including a description of arrangements that will be made with local boards, one-stop operators, faith- and community-based organizations, State educational agencies or local educational agencies (including agencies of Indian tribes), public assistance agencies, the courts of jurisdiction, agencies operating shelters for homeless individuals and other agencies that serve youth who are homeless individuals, foster care agencies, and other appropriate public and private agencies;</p> <p>(viii) a description of the special outreach efforts that will be undertaken to recruit eligible young women (including young women with dependent children) as participants;</p> <p>(ix) a description of the specific role of employers in the proposed program, such as their role in developing the proposed program and assisting in service provision and in placement activities;</p> <p>(x) a description of how the proposed program will be coordinated with other Federal, State, and local activities and activities conducted by Indian tribes, such as local workforce investment activities, career and technical education and training programs, adult and language instruction educational programs, activities conducted by public schools, activities conducted by community colleges, national service programs, and other job training provided with funds available under this title;</p> <p>(xi) assurances that there will be a sufficient number of adequately trained supervisory personnel in the proposed program;</p> <p>(xii) a description of the levels of performance to be achieved with respect to the primary indicators of performance for eligible youth described in section 116(b)(2)(A)(ii);</p> <p>(xiii) a description of the applicant's relationship with local building trade unions regarding their involvement in training to be provided through the</p>

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	<p>proposed program, the relationship of the proposed program to established registered apprenticeship programs and employers, the ability of the applicant to grant an industry-recognized certificate or certification through the program, and the quality of the program leading to the certificate or certification;</p> <p>(xiv) a description of activities that will be undertaken to develop the leadership skills of participants;</p> <p>(xv) a detailed budget and a description of the system of fiscal controls, and auditing and accountability procedures, that will be used to ensure fiscal soundness for the proposed program;</p> <p>(xvi) a description of the commitments for any additional resources (in addition to the funds made available through the grant) to be made available to the proposed program from —</p> <p>(I) the applicant;</p> <p>(II) recipients of other Federal, State, or local housing and community development assistance that will sponsor any part of the rehabilitation or construction, operation and maintenance, or other housing and community development activities undertaken as part of the proposed program; or</p> <p>(III) entities carrying out other Federal, State, or local activities or activities conducted by Indian tribes, including career and technical education and training programs, adult and language instruction educational programs, and job training provided with funds available under this title;</p> <p>(xvii) information identifying, and a description of, the financing proposed for any —</p> <p>(I) rehabilitation of the property involved;</p> <p>(II) acquisition of the property; or</p> <p>(III) construction of the property;</p>

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	<p>(xviii) information identifying, and a description of, the entity that will operate and manage the property;</p> <p>(xix) information identifying, and a description of, the data collection systems to be used;</p> <p>(xx) a certification, by a public official responsible for the housing strategy for the State or unit of general local government within which the proposed program is located, that the proposed program is consistent with the housing strategy; and</p> <p>(xxi) a certification that the applicant will comply with the requirements of the Fair Housing Act (42 U.S.C. 3601 et seq.) and will affirmatively further fair housing.</p> <p>(4) SELECTION CRITERIA.—For an applicant to be eligible to receive a grant under this subsection, the applicant and the applicant’s proposed program shall meet such selection criteria as the Secretary shall establish under this section, which shall include criteria relating to—</p> <p>(A) the qualifications or potential capabilities of an applicant;</p> <p>(B) an applicant’s potential for developing a successful YouthBuild program;</p> <p>(C) the need for an applicant’s proposed program, as determined by the degree of economic distress of the community from which participants would be recruited (measured by indicators such as poverty, youth unemployment, and the number of individuals who have dropped out of secondary school) and of the community in which the housing and community and public facilities proposed to be rehabilitated or constructed is located (measured by indicators such as incidence of homelessness,</p>

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	<p>shortage of affordable housing, and poverty);</p> <p>(D) the commitment of an applicant to providing skills training, leadership development, and education to participants;</p> <p>(E) the focus of a proposed program on preparing youth for in-demand industry sectors or occupations, or postsecondary education and training opportunities;</p> <p>(F) the extent of an applicant's coordination of activities to be carried out through the proposed program with local boards, one-stop operators, and one-stop partners participating in the operation of the one-stop delivery system involved, or the extent of the applicant's good faith efforts in achieving such coordination;</p> <p>(G) the extent of the applicant's coordination of activities with public education, criminal justice, housing and community development, national service, or postsecondary education or other systems that relate to the goals of the proposed program;</p> <p>(H) the extent of an applicant's coordination of activities with employers in the local area involved;</p> <p>(I) the extent to which a proposed program provides for inclusion of tenants who were previously homeless individuals in the rental housing provided through the program;</p> <p>(J) the commitment of additional resources (in addition to the funds made available through the grant) to a proposed program by—</p>

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	<p>(i) an applicant;</p> <p>(ii) recipients of other Federal, State, or local housing and community development assistance who will sponsor any part of the rehabilitation or construction, operation and maintenance, or other housing and community development activities undertaken as part of the proposed program; or</p> <p>(iii) entities carrying out other Federal, State, or local activities or activities conducted by Indian tribes, including career and technical education and training programs, adult and language instruction educational programs, and job training provided with funds available under this title;</p> <p>(K) the applicant's potential to serve different regions, including rural areas and States that have not previously received grants for YouthBuild programs; and</p> <p>(L) such other factors as the Secretary determines to be appropriate for purposes of carrying out the proposed program in an effective and efficient manner.</p> <p>(5) APPROVAL.—To the extent practicable, the Secretary shall notify each applicant, not later than 5 months after the date of receipt of the application by the Secretary, whether the application is approved or not approved.</p> <p>(d) Use of Housing Units.—Residential housing units rehabilitated or constructed using funds made available under subsection (c), shall be available solely—</p> <p>(1) for rental by, or sale to, homeless individuals or low-income families;</p> <p>or</p>

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	<p>(2) for use as transitional or permanent housing, for the purpose of assisting in the movement of homeless individuals to independent living.</p> <p>(e) Additional Program Requirements.—</p> <p>(1) ELIGIBLE PARTICIPANTS.—</p> <p>(A) IN GENERAL.—Except as provided in subparagraph (B), an individual may participate in a YouthBuild program only if such individual is—</p> <p>(i) not less than age 16 and not more than age 24, on the date of enrollment;</p> <p>(ii) a member of a low-income family, a youth in foster care (including youth aging out of foster care), a youth offender, a youth who is an individual with a disability, a child of incarcerated parents, or a migrant youth; and</p> <p>(iii) a school dropout, or an individual who was a school dropout and has subsequently reenrolled.</p> <p>(B) EXCEPTION FOR INDIVIDUALS NOT MEETING INCOME OR EDUCATIONAL NEED REQUIREMENTS.—Not more than 25 percent of the participants in such program may be individuals who do not meet the requirements of clause (ii) or (iii) of subparagraph (A), but who—</p> <p>(i) are basic skills deficient, despite attainment of a secondary school diploma or its recognized equivalent (including recognized certificates of attendance or similar documents for individuals with disabilities); or</p> <p>(ii) have been referred by a local secondary school for participation in a YouthBuild program leading to the attainment of a secondary school diploma.</p> <p>(2) PARTICIPATION LIMITATION.—An eligible individual selected for participation in a YouthBuild program shall be offered full-time participation</p>

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	<p>in the program for a period of not less than 6 months and not more than 24 months.</p> <p>(3) MINIMUM TIME DEVOTED TO EDUCATIONAL SERVICES AND ACTIVITIES.—A YouthBuild program receiving assistance under subsection (c) shall be structured so that participants in the program are offered—</p> <p class="list-item-l1">(A) education and related services and activities designed to meet educational needs, such as those specified in clauses (iv) through (vii) of subsection (c)(2)(A), during at least 50 percent of the time during which the participants participate in the program; and</p> <p class="list-item-l1">(B) work and skill development activities, such as those specified in clauses (i), (ii), (iii), and (viii) of subsection (c)(2)(A), during at least 40 percent of the time during which the participants participate in the program.</p> <p>(4) AUTHORITY RESTRICTION.—No provision of this section may be construed to authorize any agency, officer, or employee of the United States to exercise any direction, supervision, or control over the curriculum, program of instruction, administration, or personnel of any educational institution (including a school) or school system, or over the selection of library resources, textbooks, or other printed or published instructional materials by any educational institution or school system.</p> <p>(5) STATE AND LOCAL STANDARDS.—All educational programs and activities supported with funds provided under subsection (c) shall be consistent with applicable State and local educational standards. Standards and procedures for the programs and activities that relate to awarding academic credit for and certifying educational attainment in such programs and activities shall be consistent with applicable State and local educational standards.</p>

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	<p>(f) Levels of Performance and Indicators.—</p> <p>(1) IN GENERAL.—The Secretary shall annually establish expected levels of performance for YouthBuild programs relating to each of the primary indicators of performance for eligible youth activities described in section 116(b)(2)(A)(ii).</p> <p>(2) ADDITIONAL INDICATORS.—The Secretary may establish expected levels of performance for additional indicators for YouthBuild programs, as the Secretary determines appropriate.</p> <p>(g) Management and Technical Assistance.—</p> <p>(1) SECRETARY ASSISTANCE.—The Secretary may enter into contracts with 1 or more entities to provide assistance to the Secretary in the management, supervision, and coordination of the program carried out under this section.</p> <p>(2) TECHNICAL ASSISTANCE.—</p> <p>(A) CONTRACTS AND GRANTS.—The Secretary shall enter into contracts with or make grants to 1 or more qualified national nonprofit agencies, in order to provide training, information, technical assistance, program evaluation, and data management to recipients of grants under subsection (c).</p> <p>(B) RESERVATION OF FUNDS.—Of the amounts available under subsection (i) to carry out this section for a fiscal year, the Secretary shall reserve 5 percent to carry out subparagraph (A).</p> <p>(3) CAPACITY BUILDING GRANTS.—</p> <p>(A) IN GENERAL.—In each fiscal year, the Secretary may use not more than 3 percent of the amounts available under subsection (i) to award grants to 1 or more qualified national nonprofit agencies to pay for the</p>

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	<p>Federal share of the cost of capacity building activities.</p> <p>(B) FEDERAL SHARE.—The Federal share of the cost described in subparagraph (A) shall be 25 percent. The non-Federal share shall be provided from private sources.</p> <p>(h) Subgrants and Contracts.—Each recipient of a grant under subsection (c) to carry out a YouthBuild program shall provide the services and activities described in this section directly or through subgrants, contracts, or other arrangements with local educational agencies, institutions of higher education, State or local housing development agencies, other public agencies, including agencies of Indian tribes, or private organizations.</p> <p>(i) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section—</p> <p>(1) \$77,534,000 for fiscal year 2015;</p> <p>(2) \$83,523,000 for fiscal year 2016;</p> <p>(3) \$85,256,000 for fiscal year 2017;</p> <p>(4) \$87,147,000 for fiscal year 2018;</p> <p>(5) \$89,196,000 for fiscal year 2019; and</p> <p>(6) \$91,087,000 for fiscal year 2020.</p>

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<p>SEC. 174. AUTHORIZATION OF APPROPRIATIONS.</p> <p>(a) NATIVE AMERICAN PROGRAMS; MIGRANT AND SEASONAL FARMWORKER PROGRAMS; VETERANS' WORKFORCE INVESTMENT PROGRAMS.--</p> <p><del>(1) IN GENERAL.—Subject to paragraph (2), there are authorized to be appropriated to carry out sections 166 through 168 such sums as may be necessary for each of the fiscal years 1999 through 2003.</del></p> <p><del>(2) RESERVATIONS.—Of the amount appropriated pursuant to the authorization of appropriations under paragraph (1) for a fiscal year, the Secretary shall—</del></p> <p><del>(A) reserve not less than \$55,000,000 for carrying out section 166;</del></p> <p><del>(B) reserve not less than \$70,000,000 for carrying out section 167; and</del></p> <p><del>(C) reserve not less than \$7,300,000 for carrying out section 168.</del></p> <p>(b) TECHNICAL ASSISTANCE; <del>DEMONSTRATION AND PILOT PROJECTS; EVALUATIONS; INCENTIVE GRANTS.—</del></p> <p><del>(1) IN GENERAL.—Subject to paragraph (2), there are authorized to be appropriated to carry out sections 170 through 172 and section 503 such sums as may be necessary for each of the fiscal years 1999 through 2003.</del></p> <p><del>(2) RESERVATIONS.—Of the amount appropriated pursuant to the authorization of appropriations under paragraph (1) for a fiscal year, the Secretary shall—</del></p>	<p>SEC. 172. AUTHORIZATION OF APPROPRIATIONS.</p> <p>(a) Native American Programs.—There are authorized to be appropriated to carry out section 166 (not including subsection (k) of such section)—</p> <p>(1) \$46,082,000 for fiscal year 2015;</p> <p>(2) \$49,641,000 for fiscal year 2016;</p> <p>(3) \$50,671,000 for fiscal year 2017;</p> <p>(4) \$51,795,000 for fiscal year 2018;</p> <p>(5) \$53,013,000 for fiscal year 2019; and</p> <p>(6) \$54,137,000 for fiscal year 2020.</p> <p>(b) Migrant and Seasonal Farmworker Programs.—There are authorized to be appropriated to carry out section 167—</p> <p>(1) \$81,896,000 for fiscal year 2015;</p> <p>(2) \$88,222,000 for fiscal year 2016;</p> <p>(3) \$90,052,000 for fiscal year 2017;</p> <p>(4) \$92,050,000 for fiscal year 2018;</p> <p>(5) \$94,214,000 for fiscal year 2019; and</p> <p>(6) \$96,211,000 for fiscal year 2020.</p> <p>(c) Technical Assistance.—There are authorized to be appropriated to carry out section 168—</p> <p>(1) \$3,000,000 for fiscal year 2015;</p> <p>(2) \$3,232,000 for fiscal year 2016;</p> <p>(3) \$3,299,000 for fiscal year 2017;</p> <p>(4) \$3,372,000 for fiscal year 2018;</p> <p>(5) \$3,451,000 for fiscal year 2019; and</p> <p>(6) \$3,524,000 for fiscal year 2020.</p>

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<p><del>(A)(i) for fiscal year 1999, reserve up to 40 percent for carrying out section 170 (other than subsection (b) of such section);</del> <del>(ii) for fiscal year 2000, reserve up to 25 percent for carrying out section 170 (other than subsection (b) of such section); and (iii) for each of the fiscal years 2001 through 2003, reserve up to 20 percent for carrying out section 170 (other than subsection (b) of such section);</del> <del>(B)(i) for fiscal year 1999, reserve not less than 50 percent for carrying out section 171; and</del> <del>(ii) for each of the fiscal years 2000 through 2003, reserve not less than 45 percent for carrying out section 171;</del> <del>(C)(i) for fiscal year 1999, reserve not less than 10 percent for carrying out section 172; and</del> <del>(ii) for each of the fiscal years 2000 through 2003, reserve not less than 10 percent for carrying out section 172; and</del> <del>(D)(i) for fiscal year 1999, reserve no funds for carrying out section 503;</del> <del>(ii) for fiscal year 2000, reserve up to 20 percent for carrying out section 503; and</del> <del>(iii) for each of the fiscal years 2001 through 2003, reserve up to 25 percent for carrying out section 503.</del></p>	<p><b>(d) Evaluations and Research.</b>—There are authorized to be appropriated to carry out section 169— (1) \$91,000,000 for fiscal year 2015; (2) \$98,029,000 for fiscal year 2016; (3) \$100,063,000 for fiscal year 2017; (4) \$102,282,000 for fiscal year 2018; (5) \$104,687,000 for fiscal year 2019; and (6) \$106,906,000 for fiscal year 2020.</p> <p><b>(e) Assistance for Veterans.</b>—If, as of the date of enactment of this Act, any unobligated funds appropriated to carry out section 168 of the Workforce Investment Act of 1998, as in effect on the day before the date of enactment of this Act, remain available, the Secretary of Labor shall continue to use such funds to carry out such section, as in effect on such day, until all of such funds are expended.</p> <p><b>(f) Assistance for Eligible Workers.</b>—If, as of the date of enactment of this Act, any unobligated funds appropriated to carry out subsections (f) and (g) of section 173 of the Workforce Investment Act of 1998, as in effect on the day before the date of enactment of this Act, remain available, the Secretary of Labor shall continue to use such funds to carry out such subsections, as in effect on such day, until all of such funds are expended.</p>
SUBTITLE E--ADMINISTRATION	SUBTITLE E--ADMINISTRATION

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<p>SEC. 181. REQUIREMENTS AND RESTRICTIONS.</p> <p>(a) BENEFITS.--</p> <p>(1) WAGES.--</p> <p>(A) IN GENERAL.--Individuals in on-the-job training or individuals employed in activities under this title shall be compensated at the same rates, including periodic increases, as trainees or employees who are similarly situated in similar occupations by the same employer and who have similar training, experience, and skills, and such rates shall be in accordance with applicable law, but in no event less than the higher of the rate specified in section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) or the applicable State or local minimum wage law.</p> <p>(B) RULE OF CONSTRUCTION.--The reference in subparagraph (A) to section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1))--</p> <p><del>(i) shall be deemed to be a reference to section 6(a)(3) of that Act for individuals in American Samoa;</del></p> <p><del>and</del></p> <p>(ii) shall not be applicable for individuals in other territorial jurisdictions in which section 6 of the Fair Labor Standards Act of 1938 does not apply.</p> <p>(2) TREATMENT OF ALLOWANCES, EARNINGS, AND PAYMENTS.--</p> <p>Allowances, earnings, and payments to individuals participating in programs under this title shall not be considered as income for the purposes of determining eligibility for and the amount of income transfer and in-kind aid furnished under any Federal or federally assisted program based on need, other than as provided under the Social Security Act (42 U.S.C. 301 et seq.).</p> <p>(b) LABOR STANDARDS.--</p>	<p>SEC. 181. REQUIREMENTS AND RESTRICTIONS.</p> <p>(a) Benefits.—</p> <p>(1) WAGES.—</p> <p>(A) IN GENERAL.—Individuals in on-the-job training or individuals employed in activities under this title shall be compensated at the same rates, including periodic increases, as trainees or employees who are similarly situated in similar occupations by the same employer and who have similar training, experience, and skills, and such rates shall be in accordance with applicable law, but in no event less than the higher of the rate specified in section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C.206(a)(1)) or the applicable State or local minimum wage law.</p> <p>(B) RULE OF CONSTRUCTION.—The reference in subparagraph (A) to section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) shall not be applicable for individuals in territorial jurisdictions in which section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) does not apply.</p> <p>(2) TREATMENT OF ALLOWANCES, EARNINGS, AND PAYMENTS.—</p> <p>Allowances, earnings, and payments to individuals participating in programs under this title shall not be considered as income for the purposes of determining eligibility for and the amount of income transfer and in-kind aid furnished under any Federal or federally assisted program based on need, other than as provided under the Social Security Act (42 U.S.C. 301 et seq.).</p> <p>(b) Labor Standards.—</p>

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<p>(1) LIMITATIONS ON ACTIVITIES THAT IMPACT WAGES OF EMPLOYEES.-- No funds provided under this title shall be used to pay the wages of incumbent employees during their participation in economic development activities provided through a statewide workforce investment system.</p> <p>(2) DISPLACEMENT.—</p> <p>(A) PROHIBITION.--A participant in a program or activity authorized under this title (referred to in this section as a "specified activity") shall not displace (including a partial displacement, such as a reduction in the hours of nonovertime work, wages, or employment benefits) any currently employed employee (as of the date of the participation).</p> <p>(B) PROHIBITION ON IMPAIRMENT OF CONTRACTS.--A specified activity shall not impair an existing contract for services or collective bargaining agreement, and no such activity that would be inconsistent with the terms of a collective bargaining agreement shall be undertaken without the written concurrence of the labor organization and employer concerned.</p> <p>(3) OTHER PROHIBITIONS.--A participant in a specified activity shall not be employed in a job if—</p> <p>(A) any other individual is on layoff from the same or any substantially equivalent job;</p> <p>(B) the employer has terminated the employment of any regular employee or otherwise reduced the workforce of the employer with the intention of filling the vacancy so created with the participant; or</p> <p>(C) the job is created in a promotional line that will infringe in any way upon the promotional opportunities of currently employed individuals (as of the date of the participation).</p>	<p>(1) LIMITATIONS ON ACTIVITIES THAT IMPACT WAGES OF EMPLOYEES.— No funds provided under this title shall be used to pay the wages of incumbent employees during their participation in economic development activities provided through a statewide workforce development system.</p> <p>(2) DISPLACEMENT.—</p> <p>(A) PROHIBITION.—A participant in a program or activity authorized under this title (referred to in this section as a "specified activity") shall not displace (including a partial displacement, such as a reduction in the hours of nonovertime work, wages, or employment benefits) any currently employed employee (as of the date of the participation).</p> <p>(B) PROHIBITION ON IMPAIRMENT OF CONTRACTS.—A specified activity shall not impair an existing contract for services or collective bargaining agreement, and no such activity that would be inconsistent with the terms of a collective bargaining agreement shall be undertaken without the written concurrence of the labor organization and employer concerned.</p> <p>(3) OTHER PROHIBITIONS.—A participant in a specified activity shall not be employed in a job if—</p> <p>(A) any other individual is on layoff from the same or any substantially equivalent job;</p> <p>(B) the employer has terminated the employment of any regular employee or otherwise reduced the workforce of the employer with the intention of filling the vacancy so created with the participant; or</p> <p>(C) the job is created in a promotional line that will infringe in any way upon the promotional opportunities of currently employed individuals (as of the date of the participation).</p>

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<p>(4) HEALTH AND SAFETY.--Health and safety standards established under Federal and State law otherwise applicable to working conditions of employees shall be equally applicable to working conditions of participants engaged in specified activities. To the extent that a State workers' compensation law applies, workers' compensation shall be provided to participants on the same basis as the compensation is provided to other individuals in the State in similar employment.</p> <p>(5) EMPLOYMENT CONDITIONS.--Individuals in on-the-job training or individuals employed in programs and activities under this title, shall be provided benefits and working conditions at the same level and to the same extent as other trainees or employees working a similar length of time and doing the same type of work.</p> <p>(6) OPPORTUNITY TO SUBMIT COMMENTS.--Interested members of the public, including representatives of businesses and of labor organizations, shall be provided an opportunity to submit comments to the Secretary with respect to programs and activities proposed to be funded under subtitle B.</p> <p>(7) NO IMPACT ON UNION ORGANIZING.--Each recipient of funds under this title shall provide to the Secretary assurances that none of such funds will be used to assist, promote, or deter union organizing.</p> <p>(c) GRIEVANCE PROCEDURE.--</p> <p>(1) IN GENERAL.--Each State and local area receiving an allotment under this title shall establish and maintain a procedure for grievances or complaints alleging violations of the requirements of this title from participants and other interested or affected parties. Such</p>	<p>(4) HEALTH AND SAFETY.—Health and safety standards established under Federal and State law otherwise applicable to working conditions of employees shall be equally applicable to working conditions of participants engaged in specified activities. To the extent that a State workers' compensation law applies, workers' compensation shall be provided to participants on the same basis as the compensation is provided to other individuals in the State in similar employment.</p> <p>(5) EMPLOYMENT CONDITIONS.—Individuals in on-the-job training or individuals employed in programs and activities under this title shall be provided benefits and working conditions at the same level and to the same extent as other trainees or employees working a similar length of time and doing the same type of work.</p> <p>(6) OPPORTUNITY TO SUBMIT COMMENTS.—Interested members of the public, including representatives of businesses and of labor organizations, shall be provided an opportunity to submit comments to the Secretary with respect to programs and activities proposed to be funded under subtitle B.</p> <p>(7) NO IMPACT ON UNION ORGANIZING.—Each recipient of funds under this title shall provide to the Secretary assurances that none of such funds will be used to assist, promote, or deter union organizing.</p> <p>(c) Grievance Procedure.—</p> <p>(1) IN GENERAL.—Each State and local area receiving an allotment or allocation under this title shall establish and maintain a procedure for grievances or complaints alleging violations of the requirements of this title from participants and other interested or affected parties. Such procedure</p>

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<p>procedure shall include an opportunity for a hearing and be completed within 60 days after the filing of the grievance or complaint.</p> <p>(2) INVESTIGATION.--</p> <p>(A) IN GENERAL.--The Secretary shall investigate an allegation of a violation described in paragraph (1) if—</p> <ul style="list-style-type: none"><li>(i) a decision relating to such violation has not been reached within 60 days after the date of the filing of the grievance or complaint and either party appeals to the Secretary; or</li><li>(ii) a decision relating to such violation has been reached within such 60 days and the party to which such decision is adverse appeals such decision to the Secretary.</li></ul> <p>(B) ADDITIONAL REQUIREMENT.--The Secretary shall make a final determination relating to an appeal made under subparagraph (A) no later than 120 days after receiving such appeal.</p> <p>(3) REMEDIES.--Remedies that may be imposed under this section for a violation of any requirement of this title shall be limited—</p> <ul style="list-style-type: none"><li>(A) to suspension or termination of payments under this title;</li><li>(B) to prohibition of placement of a participant with an employer that has violated any requirement under this title;</li><li>(C) where applicable, to reinstatement of an employee, payment of lost wages and benefits, and reestablishment of other relevant terms, conditions, and privileges of employment; and</li><li>(D) where appropriate, to other equitable relief.</li></ul> <p>(4) RULE OF CONSTRUCTION.--Nothing in paragraph (3) shall be construed to</p>	<p>shall include an opportunity for a hearing and be completed within 60 days after the filing of the grievance or complaint.</p> <p>(2) INVESTIGATION.—</p> <p>(A) IN GENERAL.—The Secretary shall investigate an allegation of a violation described in paragraph (1) if—</p> <ul style="list-style-type: none"><li>(i) a decision relating to such violation has not been reached within 60 days after the date of the filing of the grievance or complaint and either party appeals to the Secretary; or</li><li>(ii) a decision relating to such violation has been reached within such 60 days and the party to which such decision is adverse appeals such decision to the Secretary.</li></ul> <p>(B) ADDITIONAL REQUIREMENT.—The Secretary shall make a final determination relating to an appeal made under subparagraph (A) no later than 120 days after receiving such appeal.</p> <p>(3) REMEDIES.—Remedies that may be imposed under this section for a violation of any requirement of this title shall be limited—</p> <ul style="list-style-type: none"><li>(A) to suspension or termination of payments under this title;</li><li>(B) to prohibition of placement of a participant with an employer that has violated any requirement under this title;</li><li>(C) where applicable, to reinstatement of an employee, payment of lost wages and benefits, and reestablishment of other relevant terms, conditions, and privileges of employment; and</li><li>(D) where appropriate, to other equitable relief.</li></ul> <p>(4) RULE OF CONSTRUCTION.—Nothing in paragraph (3) shall be construed to</p>

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<p>prohibit a grievant or complainant from pursuing a remedy authorized under another Federal, State, or local law for a violation of this title.</p> <p>(d) RELOCATION.--</p> <p>(1) PROHIBITION ON USE OF FUNDS TO ENCOURAGE OR INDUCE RELOCATION.--No funds provided under this title shall be used, or proposed for use, to encourage or induce the relocation of a business or part of a business if such relocation would result in a loss of employment for any employee of such business at the original location and such original location is within the United States.</p> <p>(2) PROHIBITION ON USE OF FUNDS FOR CUSTOMIZED OR SKILL TRAINING AND RELATED ACTIVITIES AFTER RELOCATION.--No funds provided under this title for an employment and training activity shall be used for customized or skill training, on-the- job training, or company-specific assessments of job applicants or employees, for any business or part of a business that has relocated, until the date that is 120 days after the date on which such business commences operations at the new location, if the relocation of such business or part of a business results in a loss of employment for any employee of such business at the original location and such original location is within the United States.</p> <p>(3) REPAYMENT.--If the Secretary determines that a violation of paragraph (1) or (2) has occurred, the Secretary shall require the State that has violated such paragraph to repay to the United States an amount equal to the amount expended in violation of such paragraph.</p> <p>(e) LIMITATION ON USE OF FUNDS.--No funds available under this title shall be</p>	<p>prohibit a grievant or complainant from pursuing a remedy authorized under another Federal, State, or local law for a violation of this title.</p> <p>(d) Relocation.—</p> <p>(1) PROHIBITION ON USE OF FUNDS TO ENCOURAGE OR INDUCE RELOCATION.—No funds provided under this title shall be used, or proposed for use, to encourage or induce the relocation of a business or part of a business if such relocation would result in a loss of employment for any employee of such business at the original location and such original location is within the United States.</p> <p>(2) PROHIBITION ON USE OF FUNDS AFTER RELOCATION.—No funds provided under this title for an employment or training activity shall be used for customized or skill training, on-the-job training, <b>incumbent worker training, transitional employment,</b> or company-specific assessments of job applicants or employees, for any business or part of a business that has relocated, until the date that is 120 days after the date on which such business commences operations at the new location, if the relocation of such business or part of a business results in a loss of employment for any employee of such business at the original location and such original location is within the United States.</p> <p>(3) REPAYMENT.—If the Secretary determines that a violation of paragraph (1) or (2) has occurred, the Secretary shall require the State that has violated such paragraph <b>(or that has provided funding to an entity that has violated such paragraph)</b> to repay to the United States an amount equal to the amount expended in violation of such paragraph.</p> <p>(e) Limitation on Use of Funds.—No funds available to carry out an</p>

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<p>used for employment generating activities, economic development activities, investment in revolving loan funds, capitalization of businesses, investment in contract bidding resource centers, and similar activities that are not directly related to training for eligible individuals under this title. No funds available under subtitle B shall be used for foreign travel.</p> <p>(f ) TESTING AND SANCTIONING FOR USE OF CONTROLLED SUBSTANCES.--</p> <p>(1) IN GENERAL.--Notwithstanding any other provision of law, a State shall not be prohibited by the Federal Government from—</p> <p>(A) testing participants in programs under subtitle B for the use of controlled substances; and</p> <p>(B) sanctioning such participants who test positive for the use of such controlled substances.</p> <p>(2) ADDITIONAL REQUIREMENTS.--</p> <p>(A) PERIOD OF SANCTION.--In sanctioning participants in programs under subtitle B who test positive for the use of controlled substances—</p> <p>(i) with respect to the first occurrence for which a participant tests positive, a State may exclude the participant from the program for a period not to exceed 6 months; and</p> <p>(ii) with respect to the second occurrence and each subsequent occurrence for which a participant tests positive, a State may exclude the participant from the program for a period not to exceed 2 years.</p> <p>(B) APPEAL.--The testing of participants and the imposition of sanctions under this subsection shall be subject to expeditious appeal in accordance with due process procedures established by the State.</p>	<p>activity under this title shall be used for employment generating activities, investment in revolving loan funds, capitalization of businesses, investment in contract bidding resource centers, economic development activities, or similar activities, that are not directly related to training for eligible individuals under this title. No funds received to carry out an activity under subtitle B shall be used for foreign travel.</p> <p>(f) Testing and Sanctioning for Use of Controlled Substances.—</p> <p>(1) IN GENERAL.—Notwithstanding any other provision of law, a State shall not be prohibited by the Federal Government from—</p> <p>(A) testing participants in programs under subtitle B for the use of controlled substances; and</p> <p>(B) sanctioning such participants who test positive for the use of such controlled substances.</p> <p>(2) ADDITIONAL REQUIREMENTS.—</p> <p>(A) PERIOD OF SANCTION.—In sanctioning participants in a program under subtitle B who test positive for the use of controlled substances—</p> <p>(i) with respect to the first occurrence for which a participant tests positive, a State may exclude the participant from the program for a period not to exceed 6 months; and</p> <p>(ii) with respect to the second occurrence and each subsequent occurrence for which a participant tests positive, a State may exclude the participant from the program for a period not to exceed 2 years.</p> <p>(B) APPEAL.—The testing of participants and the imposition of sanctions under this subsection shall be subject to expeditious appeal in accordance with due process procedures established by the State.</p>

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<p>(C) PRIVACY.--A State shall establish procedures for testing participants for the use of controlled substances that ensure a maximum degree of privacy for the participants.</p> <p>(4) FUNDING REQUIREMENT.--In testing and sanctioning of participants for the use of controlled substances in accordance with this subsection, the only Federal funds that a State may use are the amounts made available for the administration of statewide workforce investment activities under section 134(a)(3)(B).</p>	<p>(C) PRIVACY.—A State shall establish procedures for testing participants for the use of controlled substances that ensure a maximum degree of privacy for the participants.</p> <p>(3) FUNDING REQUIREMENT.—In testing and sanctioning of participants for the use of controlled substances in accordance with this subsection, the only Federal funds that a State may use are the amounts made available for the administration of statewide workforce investment activities under section 134(a)(3)(B).</p> <p>(g) Subgrant Authority.—A recipient of grant funds under this title shall have the authority to enter into subgrants in order to carry out the grant, subject to such conditions as the Secretary may establish.</p>
<p>SEC. 182. PROMPT ALLOCATION OF FUNDS.</p> <p>(a) ALLOTMENTS BASED ON LATEST AVAILABLE DATA.--All allotments to States and grants to outlying areas under this title shall be based on the latest available data and estimates satisfactory to the Secretary. All data relating to disadvantaged adults and disadvantaged youth shall be based on the most recent satisfactory data from the Bureau of the Census.</p> <p>(b) PUBLICATION IN FEDERAL REGISTER RELATING TO FORMULA FUNDS.--Whenever the Secretary allots funds required to be allotted under this title, the Secretary shall publish in a timely fashion in the Federal Register the proposed amount to be distributed to each recipient of the funds.</p> <p>(c) REQUIREMENT FOR FUNDS DISTRIBUTED BY FORMULA.--All funds required to be allotted under section 127 or 132 shall be allotted within 45 days after</p>	<p>SEC. 182. PROMPT ALLOCATION OF FUNDS.</p> <p>(a) Allotments Based on Latest Available Data.—All allotments to States and grants to outlying areas under this title shall be based on the latest available data and estimates satisfactory to the Secretary. All data relating to disadvantaged adults and disadvantaged youth shall be based on the most recent satisfactory data from the Bureau of the Census.</p> <p>(b) Publication in Federal Register Relating to Formula Funds.—Whenever the Secretary allots funds required to be allotted under this title, the Secretary shall publish in a timely fashion in the Federal Register the amount proposed to be distributed to each recipient of the funds.</p> <p>(c) Requirement for Funds Distributed by Formula.—All funds required to be allotted under section 127 or 132 shall be allotted within 45 days after the</p>

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<p>the date of enactment of the Act appropriating the funds, except that, if such funds are appropriated in advance as authorized by section 189(g), such funds shall be allotted or allocated not later than the March 31 preceding the program year for which such funds are to be available for obligation.</p> <p>(d) PUBLICATION IN FEDERAL REGISTER RELATING TO DISCRETIONARY FUNDS.--Whenever the Secretary utilizes a formula to allot or allocate funds made available for distribution at the Secretary's discretion under this title, the Secretary shall, not later than 30 days prior to such allotment or allocation, publish such formula in the Federal Register for comments along with the rationale for the formula and the proposed amounts to be distributed to each State and local area. After consideration of any comments received, the Secretary shall publish final allotments and allocations in the Federal Register.</p> <p>(e) AVAILABILITY OF FUNDS.--Funds shall be made available under sections 128 and 133 for a local area not later than 30 days after the date the funds are made available to the Governor involved, under section 127 or 132 (as the case may be), or 7 days after the date the local plan for the area is approved, whichever is later.</p>	<p>date of enactment of the Act appropriating the funds, except that, if such funds are appropriated in advance as authorized by section 189(g), such funds shall be allotted or allocated not later than the March 31 preceding the program year for which such funds are to be available for obligation.</p> <p>(d) Publication in Federal Register Relating to Discretionary Funds.—Whenever the Secretary utilizes a formula to allot or allocate funds made available for distribution at the Secretary's discretion under this title, the Secretary shall, not later than 30 days prior to such allotment or allocation, publish for comment in the Federal Register the formula, the rationale for the formula, and the proposed amounts to be distributed to each State and local area. After consideration of any comments received, the Secretary shall publish final allotments and allocations in the Federal Register.</p> <p>(e) Availability of Funds.—Funds shall be made available under section 128, and funds shall be made available under section 133, for a local area not later than 30 days after the date the funds are made available to the Governor involved, under section 127 or 132 (as the case may be), or 7 days after the date the local plan for the area is approved, whichever is later.</p>
<p>SEC. 183. MONITORING.</p> <p>(a) IN GENERAL.--The Secretary is authorized to monitor all recipients of financial assistance under this title to determine whether the recipients are complying with the provisions of this title, including the regulations issued under this title.</p> <p>(b) INVESTIGATIONS.--The Secretary may investigate any matter the Secretary determines to be necessary to determine the compliance of the recipients with this title, including the regulations issued under this title. The investigations</p>	<p>SEC. 183. MONITORING.</p> <p>(a) In General.—The Secretary is authorized to monitor all recipients of financial assistance under this title to determine whether the recipients are complying with the provisions of this title, including the regulations issued under this title.</p> <p>(b) Investigations.—The Secretary may investigate any matter the Secretary determines to be necessary to determine the compliance of the recipients with this title, including the regulations issued under this title. The</p>

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<p>authorized by this subsection may include examining records (including making certified copies of the records), questioning employees, and entering any premises or onto any site in which any part of a program or activity of such a recipient is conducted or in which any of the records of the recipient are kept.</p> <p>(c) ADDITIONAL REQUIREMENT.--For the purpose of any investigation or hearing conducted under this title by the Secretary, the provisions of section 9 of the Federal Trade Commission Act (15 U.S.C. 49) (relating to the attendance of witnesses and the production of documents) apply to the Secretary, in the same manner and to the same extent as the provisions apply to the Federal Trade Commission.</p>	<p>investigations authorized by this subsection may include examining records (including making certified copies of the records), questioning employees, and entering any premises or onto any site in which any part of a program or activity of such a recipient is conducted or in which any of the records of the recipient are kept.</p> <p>(c) Additional Requirement.—For the purpose of any investigation or hearing conducted under this title by the Secretary, the provisions of section 9 of the Federal Trade Commission Act (15 U.S.C. 49) (relating to the attendance of witnesses and the production of documents) apply to the Secretary, in the same manner and to the same extent as the provisions apply to the Federal Trade Commission.</p>
<p>SEC. 184. FISCAL CONTROLS; SANCTIONS.</p> <p>(a) ESTABLISHMENT OF FISCAL CONTROLS BY STATES.--</p> <p>(1) IN GENERAL.--Each State shall establish such fiscal control and fund accounting procedures as may be necessary to assure the proper disbursement of, and accounting for, Federal funds allocated to local areas under subtitle B. Such procedures shall ensure that all financial transactions carried out under subtitle B are conducted and records maintained in accordance with generally accepted accounting principles applicable in each State.</p> <p>(2) COST PRINCIPLES.--</p> <p>(A) IN GENERAL.--Each State (including the Governor of the State), local area (including the chief elected official for the area), and provider receiving funds under this title shall comply with the applicable uniform cost principles included in the appropriate circulars of the Office of Management and Budget for the type of entity receiving the funds.</p>	<p>SEC. 184. FISCAL CONTROLS; SANCTIONS.</p> <p>(a) Establishment of Fiscal Controls by States.—</p> <p>(1) IN GENERAL.—Each State shall establish such fiscal control and fund accounting procedures as may be necessary to assure the proper disbursement of, and accounting for, Federal funds allocated to local areas under subtitle B. Such procedures shall ensure that all financial transactions carried out under subtitle B are conducted and records maintained in accordance with generally accepted accounting principles applicable in each State.</p> <p>(2) COST PRINCIPLES.—</p> <p>(A) IN GENERAL.—Each State (including the Governor of the State), local area (including the chief elected official for the area), and provider receiving funds under this title shall comply with the applicable uniform cost principles included in appropriate circulars <b>or rules</b> of the Office of Management and Budget for the type of entity receiving the funds.</p>

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<p>(B) EXCEPTION.--The funds made available to a State for administration of statewide workforce investment activities in accordance with section 134(a)(3)(B) shall be allocable to the overall administration of workforce investment activities, but need not be specifically allocable to—</p> <ul style="list-style-type: none"><li>(i) the administration of adult employment and training activities;</li><li>(ii) the administration of dislocated worker employment and training activities; or</li><li>(iii) the administration of youth activities.</li></ul> <p>(3) UNIFORM ADMINISTRATIVE REQUIREMENTS.--</p> <p>(A) IN GENERAL.--Each State (including the Governor of the State), local area (including the chief elected official for the area), and provider receiving funds under this title shall comply with the appropriate uniform administrative requirements for grants and agreements applicable for the type of entity receiving the funds, as promulgated in circulars or rules of the Office of Management and Budget.</p> <p>(B) ADDITIONAL REQUIREMENT.--Procurement transactions under this title between local boards and units of State or local governments shall be conducted only on a cost- reimbursable basis.</p> <p>(4) MONITORING.--Each Governor of a State shall conduct on an annual basis onsite monitoring of each local area within the State to ensure compliance with the uniform administrative requirements referred to in paragraph (3).</p> <p>(5) ACTION BY GOVERNOR.--If the Governor determines that a local area is not in compliance with the uniform administrative requirements referred to in paragraph (3), the Governor shall—</p>	<p>(B) EXCEPTION.—The funds made available to a State for administration of statewide workforce investment activities in accordance with section 134(a)(3)(B) shall be allocable to the overall administration of workforce investment activities, but need not be specifically allocable to—</p> <ul style="list-style-type: none"><li>(i) the administration of adult employment and training activities;</li><li>(ii) the administration of dislocated worker employment and training activities; or</li><li>(iii) the administration of youth workforce investment activities.</li></ul> <p>(3) UNIFORM ADMINISTRATIVE REQUIREMENTS.—</p> <p>(A) IN GENERAL.—Each State (including the Governor of the State), local area (including the chief elected official for the area), and provider receiving funds under this title shall comply with the appropriate uniform administrative requirements for grants and agreements applicable for the type of entity receiving the funds, as promulgated in circulars or rules of the Office of Management and Budget.</p> <p>(B) ADDITIONAL REQUIREMENT.—Procurement transactions under this title between local boards and units of State or local governments shall be conducted only on a cost-reimbursable basis.</p> <p>(4) MONITORING.—Each Governor of a State shall conduct on an annual basis onsite monitoring of each local area within the State to ensure compliance with the uniform administrative requirements referred to in paragraph (3).</p> <p>(5) ACTION BY GOVERNOR.—If the Governor determines that a local area is not in compliance with the uniform administrative requirements referred to in paragraph (3), the Governor shall—</p>

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<p>(A) require corrective action to secure prompt compliance; and (B) impose the sanctions provided under subsection (b) in the event of failure to take the required corrective action.</p> <p>(6) CERTIFICATION.--The Governor shall, every 2 years, certify to the Secretary that—</p> <p class="list-item-l1">(A) the State has implemented the uniform administrative requirements referred to in paragraph (3);</p> <p class="list-item-l1">(B) the State has monitored local areas to ensure compliance with the uniform administrative requirements as required under paragraph (4); and</p> <p class="list-item-l1">(C) the State has taken appropriate action to secure compliance pursuant to paragraph (5).</p> <p>(7) ACTION BY THE SECRETARY.--If the Secretary determines that the Governor has not fulfilled the requirements of this subsection, the Secretary shall—</p> <p class="list-item-l1">(A) require corrective action to secure prompt compliance; and</p> <p class="list-item-l1">(B) impose the sanctions provided under subsection (e) in the event of failure of the Governor to take the required appropriate action to secure compliance.</p> <p>(b) SUBSTANTIAL VIOLATION.--</p> <p>(1) ACTION BY GOVERNOR.--If, as a result of financial and compliance audits or otherwise, the Governor determines that there is a substantial violation of a specific provision of this title, and corrective action has not been taken, the Governor</p>	<p>(A) require corrective action to secure prompt compliance <b>with the requirements</b>; and (B) impose the sanctions provided under subsection (b) in the event of failure to take the required corrective action.</p> <p>(6) CERTIFICATION.—The Governor shall, every 2 years, certify to the Secretary that—</p> <p class="list-item-l1">(A) the State has implemented the uniform administrative requirements referred to in paragraph (3);</p> <p class="list-item-l1">(B) the State has monitored local areas to ensure compliance with the uniform administrative requirements as required under paragraph (4); and</p> <p class="list-item-l1">(C) the State has taken appropriate action to secure compliance with the requirements pursuant to paragraph (5).</p> <p>(7) ACTION BY THE SECRETARY.—If the Secretary determines that the Governor has not fulfilled the requirements of this subsection, the Secretary shall—</p> <p class="list-item-l1">(A) require corrective action to secure prompt compliance <b>with the requirements of this subsection</b>; and</p> <p class="list-item-l1">(B) impose the sanctions provided under subsection (e) in the event of failure of the Governor to take the required appropriate action to secure compliance <b>with the requirements</b>.</p> <p>(b) Substantial Violation.—</p> <p>(1) ACTION BY GOVERNOR.—If, as a result of financial and compliance audits or otherwise, the Governor determines that there is a substantial violation of a specific provision of this title, and corrective action has not been taken, the Governor shall—</p>

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<p>shall—</p> <p>(A) issue a notice of intent to revoke approval of all or part of the local plan affected; or</p> <p>(B) impose a reorganization plan, which may include—</p> <p>(i) decertifying the local board involved;</p> <p>(ii) prohibiting the use of eligible providers;</p> <p>(iii) selecting an alternative entity to administer the program for the local area involved;</p> <p>(iv) merging the local area into one or more other local areas; or</p> <p>(v) making other such changes as the Secretary or Governor determines necessary to secure compliance.</p> <p>(2) APPEAL.--</p> <p>(A) IN GENERAL.--The actions taken by the Governor pursuant to subparagraphs (A) and (B) of paragraph (1) may be appealed to the Secretary and shall not become effective until—</p> <p>(i) the time for appeal has expired; or</p> <p>(ii) the Secretary has issued a decision.</p> <p>(B) ADDITIONAL REQUIREMENT.--The Secretary shall make a final decision under subparagraph (A) not later than 45 days after the receipt of the appeal.</p> <p>(3) ACTION BY THE SECRETARY.--If the Governor fails to promptly take the actions required under paragraph (1), the Secretary shall take such actions.</p> <p>(c) REPAYMENT OF CERTAIN AMOUNTS TO THE UNITED STATES.--</p> <p>(1) IN GENERAL.--Every recipient of funds under this title shall repay to the United States amounts found not to have been expended in accordance with</p>	<p>(A) issue a notice of intent to revoke approval of all or part of the local plan affected; or</p> <p>(B) impose a reorganization plan, which may include—</p> <p>(i) decertifying the local board involved;</p> <p>(ii) prohibiting the use of eligible providers;</p> <p>(iii) selecting an alternative entity to administer the program for the local area involved;</p> <p>(iv) merging the local area into one or more other local areas; or</p> <p>(v) making such other changes as the Secretary or Governor determines to be necessary to secure compliance <b>with the provision.</b></p> <p>(2) APPEAL.—</p> <p>(A) IN GENERAL.—The actions taken by the Governor pursuant to subparagraphs (A) and (B) of paragraph (1) may be appealed to the Secretary and shall not become effective until—</p> <p>(i) the time for appeal has expired; or</p> <p>(ii) the Secretary has issued a decision.</p> <p>(B) ADDITIONAL REQUIREMENT.—The Secretary shall make a final decision under subparagraph (A) not later than 45 days after the receipt of the appeal.</p> <p>(3) ACTION BY THE SECRETARY.—If the Governor fails to take promptly an action required under paragraph (1), the Secretary shall take such action.</p> <p>(c) Repayment of Certain Amounts to the United States.—</p> <p>(1) IN GENERAL.—Every recipient of funds under this title shall repay to the United States amounts found not to have been expended in accordance with</p>

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<p>this title.</p> <p>(2) OFFSET OF REPAYMENT.--If the Secretary determines that a State has expended funds made available under this title in a manner contrary to the requirements of this title, the Secretary may offset repayment of such expenditures against any other amount to which the State is or may be entitled, except as provided under subsection (d)(1).</p> <p>(3) REPAYMENT FROM DEDUCTION BY STATE.--If the Secretary requires a State to repay funds as a result of a determination that a local area of the State has expended funds contrary to the requirements of this title, the Governor of the State may use an amount deducted under paragraph (4) to repay the funds, except as provided under subsection (e)(1).</p> <p>(4) DEDUCTION BY STATE.--The Governor may deduct an amount equal to the misexpenditure described in paragraph (3) from subsequent program year allocations to the local area from funds reserved for the administrative costs of the local programs involved, as appropriate.</p> <p>(5) LIMITATIONS.--A deduction made by a State as described in paragraph (4) shall not be made until such time as the Governor has taken appropriate corrective action to ensure full compliance within such local area with regard to appropriate expenditures of funds under this title.</p> <p>(d) REPAYMENT OF AMOUNTS.--</p> <p>(1) IN GENERAL.--Each recipient of funds under this title</p>	<p>this title.</p> <p>(2) OFFSET OF REPAYMENT AMOUNT.—If the Secretary determines that a State has expended funds received under this title in a manner contrary to the requirements of this title, the Secretary may require repayment by offsetting the amount of such expenditures against any other amount to which the State is or may be entitled under this title, except as provided under subsection (d)(1).</p> <p>(3) REPAYMENT FROM DEDUCTION BY STATE.— If the Secretary requires a State to repay funds as a result of a determination that a local area of the State has expended funds in a manner contrary to the requirements of this title, the Governor of the State may use an amount deducted under paragraph (4) to repay the funds, except as provided under subsection (e).</p> <p>(4) DEDUCTION BY STATE.—The Governor may deduct an amount equal to the misexpenditure described in paragraph (3) from subsequent program year (subsequent to the program year for which the determination was made) allocations to the local area from funds reserved for the administrative costs of the local programs involved, as appropriate.</p> <p>(5) LIMITATIONS.—A deduction made by a State as described in paragraph (4) shall not be made until such time as the Governor has taken appropriate corrective action to ensure full compliance with this title within such local area with regard to appropriate expenditures of funds under this title.</p> <p>(d) Repayment of Amounts.—</p> <p>(1) IN GENERAL.—Each recipient of funds under this title shall be liable to</p>

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Workforce Investment Act of 1998	Workforce Innovation and Opportunity Act of 2014
<p>shall be liable to repay the amounts described in subsection (c)(1), from funds other than funds received under this title, upon a determination by the Secretary that the misexpenditure of funds was due to willful disregard of the requirements of this title, gross negligence, failure to observe accepted standards of administration, or a pattern of misexpenditure as described in paragraphs (2) and (3) of subsection (c). No such determination shall be made under this subsection or subsection (c) until notice and opportunity for a fair hearing has been given to the recipient.</p> <p>(2) FACTORS IN IMPOSING SANCTIONS.--In determining whether to impose any sanction authorized by this section against a recipient for violations by a subgrantee or contractor of such recipient under this title (including the regulations issued under this title), the Secretary shall first determine whether such recipient has adequately demonstrated that the recipient has—</p> <p>(A) established and adhered to an appropriate system for the award and monitoring of grants and contracts with subgrantees and contractors that contains acceptable standards for ensuring accountability;</p> <p>(B) entered into a written grant agreement or contract with such subgrantee or contractor that established clear goals and obligations in unambiguous terms;</p> <p>(C) acted with due diligence to monitor the implementation of the grant agreement or contract, including the carrying out of the appropriate monitoring activities (including audits) at reasonable intervals; and</p> <p>(D) taken prompt and appropriate corrective action upon becoming aware of any evidence of a violation of this title, including regulations issued under this title, by such subgrantee or contractor.</p>	<p>repay the amounts described in subsection (c)(1), from funds other than funds received under this title, upon a determination by the Secretary that the misexpenditure of the amounts was due to willful disregard of the requirements of this title, gross negligence, failure to observe accepted standards of administration, or a pattern of misexpenditure described in subsection(c)(1) No such determination shall be made under this subsection or subsection (c) until notice and opportunity for a fair hearing have been given to the recipient.</p> <p>(2) FACTORS IN IMPOSING SANCTIONS.—In determining whether to impose any sanction authorized by this section against a recipient of funds under this title for violations of this title (including applicable regulations) by a subgrantee or contractor of such recipient, the Secretary shall first determine whether such recipient has adequately demonstrated that the recipient has—</p> <p>(A) established and adhered to an appropriate system, for entering into and monitoring subgrant agreements and contracts with subgrantees and contractors, that contains acceptable standards for ensuring accountability;</p> <p>(B) entered into a written subgrant agreement or contract with such a subgrantee or contractor that established clear goals and obligations in unambiguous terms;</p> <p>(C) acted with due diligence to monitor the implementation of the subgrant agreement or contract, including carrying out the appropriate monitoring activities (including audits) at reasonable intervals; and</p> <p>(D) taken prompt and appropriate corrective action upon becoming aware of any evidence of a violation of this title, including regulations issued under this title, by such subgrantee or contractor.</p>

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<p>(3) <b>WAIVER.</b>--If the Secretary determines that the recipient has demonstrated substantial compliance with the requirements of paragraph (2), the Secretary may waive the imposition of sanctions authorized by this section upon such recipient. The Secretary is authorized to impose any sanction consistent with the provisions of this title and any applicable Federal or State law directly against any subgrantee or contractor for violation of this title, including regulations issued under this title.</p> <p>(e) <b>IMMEDIATE TERMINATION OR SUSPENSION OF ASSISTANCE IN EMERGENCY SITUATIONS.</b>--In emergency situations, if the Secretary determines it is necessary to protect the integrity of the funds or ensure the proper operation of the program or activity involved, the Secretary may immediately terminate or suspend financial assistance, in whole or in part, to the recipient if the recipient is given prompt notice and the opportunity for a subsequent hearing within 30 days after such termination or suspension. The Secretary shall not delegate any of the functions or authority specified in this subsection, other than to an officer whose appointment is required to be made by and with the advice and consent of the Senate.</p> <p>(f ) <b>DISCRIMINATION AGAINST PARTICIPANTS.</b>--If the Secretary determines that any recipient under this title has discharged or in any other manner discriminated against a participant or against any individual in connection with the administration of the program involved, or against any individual because such individual has filed any complaint or instituted or caused to be instituted any proceeding under or related to this title, or has testified or is about to testify in any such proceeding or investigation under or related to this title, or otherwise unlawfully denied to any individual a benefit to which that individual is entitled under the provisions of this title or the Secretary's</p>	<p>(3) <b>WAIVER.</b>—If the Secretary determines that the recipient has demonstrated substantial compliance with the requirements of paragraph (2), the Secretary may waive the imposition of sanctions authorized by this section upon such recipient. The Secretary is authorized to impose any sanction consistent with the provisions of this title and with any applicable Federal or State law directly against any subgrantee or contractor for violation of this title, including regulations issued under this title.</p> <p>(e) <b>Immediate Termination or Suspension of Assistance in Emergency Situations.</b>—In emergency situations, if the Secretary determines it is necessary to protect the integrity of the funds or ensure the proper operation of the program or activity involved, the Secretary may immediately terminate or suspend financial assistance, in whole or in part, to the recipient if the recipient is given prompt notice and the opportunity for a subsequent hearing within 30 days after such termination or suspension. The Secretary shall not delegate any of the functions or authority specified in this subsection, other than to an officer whose appointment is required to be made by and with the advice and consent of the Senate.</p> <p>(f) <b>Discrimination Against Participants.</b>—If the Secretary determines that any recipient under this title has discharged or in any other manner discriminated against a participant or against any individual in connection with the administration of the program involved, or against any individual because such individual has filed any complaint or instituted or caused to be instituted any proceeding under or related to this title, or has testified or is about to testify in any such proceeding or an investigation under or related to this title, or otherwise unlawfully denied to any individual a benefit to which that individual is entitled under the provisions of this title, including regulations</p>

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<p>regulations, the Secretary shall, within 30 days, take such action or order such corrective measures, as necessary, with respect to the recipient or the aggrieved individual, or both.</p> <p>(g) REMEDIES.--The remedies described in this section shall not be construed to be the exclusive remedies available for violations described in this section.</p>	<p>issued under this title, the Secretary shall, within 30 days, take such action or order such corrective measures, as necessary, with respect to the recipient or the aggrieved individual, or both.</p> <p>(g) Remedies.—The remedies described in this section shall not be considered to be the exclusive remedies available for violations described in this section.</p>
<p>SEC. 185. REPORTS; RECORDKEEPING; INVESTIGATIONS.</p> <p>(a) REPORTS.--</p> <p>(1) IN GENERAL.--Recipients of funds under this title shall keep records that are sufficient to permit the preparation of reports required by this title and to permit the tracing of funds to a level of expenditure adequate to ensure that the funds have not been spent unlawfully.</p> <p>(2) <b>SUBMISSION TO THE SECRETARY.—</b> Every such recipient shall maintain such records and submit such reports, in such form and containing such information, as the Secretary may require regarding the performance of programs and activities carried out under this title. Such records and reports shall be submitted to the Secretary but shall not be required to be submitted more than once each quarter unless specifically requested by Congress or a committee of Congress, in which case an estimate may be provided.</p> <p>(3) MAINTENANCE OF STANDARDIZED RECORDS.--In order to allow for the preparation of the reports required under subsection (c), such recipients shall maintain standardized records for all individual participants and provide to the Secretary a sufficient number of such records to provide for an adequate analysis of the records.</p>	<p>SEC. 185. REPORTS; RECORDKEEPING; INVESTIGATIONS.</p> <p>(a) Recipient Recordkeeping and Reports.—</p> <p>(1) IN GENERAL.—Recipients of funds under this title shall keep records that are sufficient to permit the preparation of reports required by this title and to permit the tracing of funds to a level of expenditure adequate to ensure that the funds have not been spent unlawfully.</p> <p>(2) RECORDS AND REPORTS REGARDING GENERAL PERFORMANCE.— Every such recipient shall maintain such records and submit such reports, in such form and containing such information, as the Secretary may require regarding the performance of programs and activities carried out under this title. Such records and reports shall be submitted to the Secretary but shall not be required to be submitted more than once each quarter unless specifically requested by Congress or a committee of Congress, in which case an estimate regarding such information may be provided.</p> <p>(3) MAINTENANCE OF STANDARDIZED RECORDS.—In order to allow for the preparation of the reports required under subsection (c), such recipients shall maintain standardized records for all individual participants and provide to the Secretary a sufficient number of such records to provide for an adequate analysis of the records.</p>

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<p>(4) AVAILABILITY TO THE PUBLIC.--</p> <p>(A) IN GENERAL.--Except as provided in subparagraph (B), records maintained by such recipients pursuant to this subsection shall be made available to the public upon request.</p> <p>(B) EXCEPTION.--Subparagraph (A) shall not apply to—</p> <p style="padding-left: 40px;">(i) information, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy; and</p> <p style="padding-left: 40px;">(ii) trade secrets, or commercial or financial information, that is obtained from a person and privileged or confidential.</p> <p>(C) FEES TO RECOVER COSTS.--Such recipients may charge fees sufficient to recover costs applicable to the processing of requests for records under subparagraph (A).</p> <p>(b) INVESTIGATIONS OF USE OF FUNDS.--</p> <p>(1) IN GENERAL.--</p> <p>(A) SECRETARY.--In order to evaluate compliance with the provisions of this title, the Secretary shall conduct, in several States, in each fiscal year, investigations of the use of funds received by recipients under this title.</p> <p>(B) COMPTROLLER GENERAL OF THE UNITED STATES.--In order to ensure compliance with the provisions of this title, the Comptroller General of the United States may conduct investigations of the use of funds received under this title by any recipient.</p> <p>(2) PROHIBITION.--In conducting any investigation under this title, the Secretary or the Comptroller General of the United States may not request the</p>	<p>(4) AVAILABILITY TO THE PUBLIC.—</p> <p>(A) IN GENERAL.—Except as provided in subparagraph (B), records maintained by such recipients pursuant to this subsection shall be made available to the public upon request.</p> <p>(B) EXCEPTION.—Subparagraph (A) shall not apply to—</p> <p style="padding-left: 40px;">(i) information, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy; and</p> <p style="padding-left: 40px;">(ii) trade secrets, or commercial or financial information, that is—</p> <p style="padding-left: 80px;">(I) obtained from a person; and</p> <p style="padding-left: 80px;">(II) privileged or confidential.</p> <p>(C) FEES TO RECOVER COSTS.—Such recipients may charge fees sufficient to recover costs applicable to the processing of requests for records under subparagraph (A).</p> <p>(b) Investigations of Use of Funds.—</p> <p>(1) IN GENERAL.—</p> <p>(A) SECRETARY.—In order to evaluate compliance with the provisions of this title, the Secretary shall conduct, in several States, in each fiscal year, investigations of the use of funds received by recipients under this title.</p> <p>(B) COMPTROLLER GENERAL OF THE UNITED STATES.—In order to ensure compliance with the provisions of this title, the Comptroller General of the United States may conduct investigations of the use of funds received under this title by any recipient.</p> <p>(2) PROHIBITION.—In conducting any investigation under this title, the Secretary or the Comptroller General of the United States may not request the</p>

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<p>compilation of any information that the recipient is not otherwise required to compile and that is not readily available to such recipient.</p> <p>(3) AUDITS.--</p> <p>(A) IN GENERAL.--In carrying out any audit under this title (other than any initial audit survey or any audit investigating possible criminal or fraudulent conduct), either directly or through grant or contract, the Secretary, the Inspector General of the Department of Labor, or the Comptroller General of the United States shall furnish to the State, recipient, or other entity to be audited, advance notification of the overall objectives and purposes of the audit, and any extensive recordkeeping or data requirements to be met, not later than 14 days (or as soon as practicable), prior to the commencement of the audit.</p> <p>(B) NOTIFICATION REQUIREMENT.--If the scope, objectives, or purposes of the audit change substantially during the course of the audit, the entity being audited shall be notified of the change as soon as practicable.</p> <p>(C) ADDITIONAL REQUIREMENT.--The reports on the results of such audits shall cite the law, regulation, policy, or other criteria applicable to any finding contained in the reports.</p> <p>(D) RULE OF CONSTRUCTION.--Nothing contained in this title shall be construed so as to be inconsistent with the Inspector General Act of 1978 (5 U.S.C. App.) or government auditing standards issued by the Comptroller General of the United States.</p> <p>(c) <b>ACCESSIBILITY OF REPORTS.</b>--Each State, each local board, and each recipient (other than a subrecipient, subgrantee, or</p>	<p>compilation of any information that the recipient is not otherwise required to compile and that is not readily available to such recipient.</p> <p>(3) AUDITS.—</p> <p>(A) IN GENERAL.—In carrying out any audit under this title (other than any initial audit survey or any audit investigating possible criminal or fraudulent conduct), either directly or through grant or contract, the Secretary, the Inspector General of the Department of Labor, or the Comptroller General of the United States shall furnish to the State, recipient, or other entity to be audited, advance notification of the overall objectives and purposes of the audit, and any extensive recordkeeping or data requirements to be met, not later than 14 days (or as soon as practicable) prior to the commencement of the audit.</p> <p>(B) NOTIFICATION REQUIREMENT.—If the scope, objectives, or purposes of the audit change substantially during the course of the audit, the entity being audited shall be notified of the change as soon as practicable.</p> <p>(C) ADDITIONAL REQUIREMENT.—The reports on the results of such audits shall cite the law, regulation, policy, or other criteria applicable to any finding contained in the reports.</p> <p>(D) RULE OF CONSTRUCTION.—Nothing contained in this title shall be construed so as to be inconsistent with the Inspector General Act of 1978 (5 U.S.C. App.) or government auditing standards issued by the Comptroller General of the United States.</p> <p>(c) <b>Grantee Information Responsibilities.</b>—Each State, each local board, and each recipient (other than a subrecipient, subgrantee, or contractor of a</p>

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<p>contractor of a recipient) receiving funds under this title—</p> <p>(1) shall make readily accessible such reports concerning its operations and expenditures as shall be prescribed by the Secretary;</p> <p>(2) shall prescribe and maintain comparable management information systems, in accordance with guidelines that shall be prescribed by the Secretary, designed to facilitate the uniform compilation, cross tabulation, and analysis of programmatic, participant, and financial data, on statewide, local area, and other appropriate bases, necessary for reporting, monitoring, and evaluating purposes, including data necessary to comply with section 188; and</p> <p>(3) shall monitor the performance of providers in complying with the terms of grants, contracts, or other agreements made pursuant to this title.</p> <p>(d) INFORMATION TO BE INCLUDED IN REPORTS.--</p> <p>(1) IN GENERAL.--The reports required in subsection (c) shall include information regarding programs and activities carried out under this title pertaining to—</p> <p>(A) the relevant demographic characteristics (including race, ethnicity, sex, and age) and other related information regarding participants;</p> <p>(B) the programs and activities in which participants are enrolled, and the length of time that participants are engaged in such programs and activities;</p> <p>(C) outcomes of the programs and activities for participants, including the occupations of participants, and placement for</p>	<p>recipient) receiving funds under this title—</p> <p>(1) shall make readily accessible such reports concerning its operations and expenditures as shall be prescribed by the Secretary;</p> <p>(2) shall prescribe and maintain comparable management information systems, in accordance with guidelines that shall be prescribed by the Secretary, designed to facilitate the uniform compilation, cross tabulation, and analysis of programmatic, participant, and financial data, on statewide, local area, and other appropriate bases, necessary for reporting, monitoring, and evaluating purposes, including data necessary to comply with section 188;</p> <p>(3) shall monitor the performance of providers in complying with the terms of grants, contracts, or other agreements made pursuant to this title; and</p> <p>(4) shall, to the extent practicable, submit or make available (including through electronic means) any reports, records, plans, or any other data that are required to be submitted or made available, respectively, under this title.</p> <p>(d) Information To Be Included in Reports.—</p> <p>(1) IN GENERAL.—The reports required in subsection (c) shall include information regarding programs and activities carried out under this title pertaining to—</p> <p>(A) the relevant demographic characteristics (including race, ethnicity, sex, and age) and other related information regarding participants;</p> <p>(B) the programs and activities in which participants are enrolled, and the length of time that participants are engaged in such programs and activities;</p> <p>(C) outcomes of the programs and activities for participants, including the occupations of participants, and placement for participants in</p>

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<p>participants in nontraditional employment; (D) specified costs of the programs and activities; and (E) information necessary to prepare reports to comply with section 188.</p> <p>(2) ADDITIONAL REQUIREMENT.--The Secretary shall ensure that all elements of the information required for the reports described in paragraph (1) are defined and reported uniformly.</p> <p>(e) QUARTERLY FINANCIAL REPORTS.--</p> <p>(1) IN GENERAL.--Each local board in the State shall submit quarterly financial reports to the Governor with respect to programs and activities carried out under this title. Such reports shall include information identifying all program and activity costs by cost category in accordance with generally accepted accounting principles and by year of the appropriation involved.</p> <p>(2) ADDITIONAL REQUIREMENT.--Each State shall submit to the Secretary, on a quarterly basis, a summary of the reports submitted to the Governor pursuant to paragraph (1).</p> <p>(f) MAINTENANCE OF ADDITIONAL RECORDS.--Each State and local board shall maintain records with respect to programs and activities carried out under this title that identify—</p> <p>(1) any income or profits earned, including such income or profits earned by subrecipients; and</p> <p>(2) any costs incurred (such as stand-in costs) that are otherwise allowable except for funding limitations.</p>	<p>nontraditional employment; (D) specified costs of the programs and activities; and (E) information necessary to prepare reports to comply with section 188.</p> <p>(2) ADDITIONAL REQUIREMENT.—The Secretary shall ensure that all elements of the information required for the reports described in paragraph (1) are defined and that the information is reported uniformly.</p> <p>(e) Quarterly Financial Reports.—</p> <p>(1) IN GENERAL.—Each local board in a State shall submit quarterly financial reports to the Governor with respect to programs and activities carried out under this title. Such reports shall include information identifying all program and activity costs by cost category in accordance with generally accepted accounting principles and by year of the appropriation involved.</p> <p>(2) ADDITIONAL REQUIREMENT.—Each State shall submit to the Secretary, and the Secretary shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and the Workforce of the House of Representatives, on a quarterly basis, a summary of the reports submitted to the Governor pursuant to paragraph (1).</p> <p>(f) Maintenance of Additional Records.—Each State and local board shall maintain records with respect to programs and activities carried out under this title that identify—</p> <p>(1) any income or profits earned, including such income or profits earned by subrecipients; and</p> <p>(2) any costs incurred (such as stand-in costs) that are otherwise allowable except for funding limitations.</p>

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<p>(g) COST CATEGORIES.--In requiring entities to maintain records of costs by category under this title, the Secretary shall require only that the costs be categorized as administrative or programmatic costs.</p>	<p>(g) Cost Categories.—In requiring entities to maintain records of costs by cost category under this title, the Secretary shall require only that the costs be categorized as administrative or programmatic costs.</p>
<p>SEC. 186. ADMINISTRATIVE ADJUDICATION.</p> <p>(a) IN GENERAL.--Whenever any applicant for financial assistance under this title is dissatisfied because the Secretary has made a determination not to award financial assistance in whole or in part to such applicant, the applicant may request a hearing before an administrative law judge of the Department of Labor. A similar hearing may also be requested by any recipient for whom a corrective action has been required or a sanction has been imposed by the Secretary under section 184.</p> <p>(b) APPEAL.--The decision of the administrative law judge shall constitute final action by the Secretary unless, within 20 days after receipt of the decision of the administrative law judge, a party dissatisfied with the decision or any part of the decision has filed exceptions with the Secretary specifically identifying the procedure, fact, law, or policy to which exception is taken. Any exception not specifically urged shall be deemed to have been waived. After the 20-day period the decision of the administrative law judge shall become the final decision of the Secretary unless the Secretary, within 30 days after such filing, has notified the parties that the case involved has been accepted for review.</p> <p>(c) TIME LIMIT.--Any case accepted for review by the Secretary under subsection (b) shall be decided within 180 days after such acceptance. If the</p>	<p>SEC. 186. ADMINISTRATIVE ADJUDICATION.</p> <p>(a) In General.—Whenever any applicant for financial assistance under this title is dissatisfied because the Secretary has made a determination not to award financial assistance in whole or in part to such applicant, the applicant may request a hearing before an administrative law judge of the Department of Labor. A similar hearing may also be requested by any recipient for whom a corrective action has been required or a sanction has been imposed by the Secretary under section 184.</p> <p>(b) Appeal.—The decision of the administrative law judge shall constitute final action by the Secretary unless, within 20 days after receipt of the decision of the administrative law judge, a party dissatisfied with the decision or any part of the decision has filed exceptions with the Secretary specifically identifying the procedure, fact, law, or policy to which exception is taken. Any exception not specifically urged <b>during the 20-day period</b> shall be deemed to have been waived. After the 20-day period the decision of the administrative law judge shall become the final decision of the Secretary unless the Secretary, within 30 days after such filing, notifies the parties that the case involved has been accepted for review.</p> <p>(c) Time Limit.—Any case accepted for review by the Secretary under subsection (b) shall be decided within 180 days after such acceptance. If the</p>

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<p>case is not decided within the 180-day period, the decision of the administrative law judge shall become the final decision of the Secretary at the end of the 180-day period.</p> <p>(d) ADDITIONAL REQUIREMENT.--The provisions of section 187 shall apply to any final action of the Secretary under this section.</p>	<p>case is not decided within the 180-day period, the decision of the administrative law judge shall become the final decision of the Secretary at the end of the 180-day period.</p> <p>(d) Additional Requirement.—The provisions of section 187 shall apply to any final action of the Secretary under this section.</p>
<p>SEC. 187. JUDICIAL REVIEW.</p> <p>(a) REVIEW.--</p> <p>(1) PETITION.--With respect to any final order by the Secretary under section 186 by which the Secretary awards, declines to award, or only conditionally awards, financial assistance under his title, or any final order of the Secretary under section 186 with respect to a corrective action or sanction imposed under section 184, any party to a proceeding which resulted in such final order may obtain review of such final order in the United States Court of Appeals having jurisdiction over the applicant or recipient of funds involved, by filing a review petition within 30 days after the date of issuance of such final order.</p> <p>(2) ACTION ON PETITION.--The clerk of the court shall transmit a copy of the review petition to the Secretary who shall file the record on which the final order was entered as provided in section 2112 of title 28, United States Code. The filing of a review petition shall not stay the order of the Secretary, unless the court orders a stay. Petitions filed under this subsection shall be heard expeditiously, if possible within 10 days after the date of filing of a reply to the petition.</p> <p>(3) STANDARD AND SCOPE OF REVIEW.--No objection to the order of the Secretary shall be considered by the court unless the objection was specifically</p>	<p>SEC. 187. JUDICIAL REVIEW.</p> <p>(a) Review.—</p> <p>(1) PETITION.—With respect to any final order by the Secretary under section 186 by which the Secretary awards, declines to award, or only conditionally awards, financial assistance under this title, or any final order of the Secretary under section 186 with respect to a corrective action or sanction imposed under section 184, any party to a proceeding that resulted in such final order may obtain review of such final order in the United States Court of Appeals having jurisdiction over the applicant for or recipient of the funds involved, by filing a review petition within 30 days after the date of issuance of such final order.</p> <p>(2) ACTION ON PETITION.—The clerk of the court shall transmit a copy of the review petition to the Secretary, who shall file the record on which the final order was entered as provided in section 2112 of title 28, United States Code. The filing of a review petition shall not stay the order of the Secretary, unless the court orders a stay. Petitions filed under this subsection shall be heard expeditiously, if possible within 10 days after the date of filing of a reply to the petition.</p> <p>(3) STANDARD AND SCOPE OF REVIEW.—No objection to the order of the Secretary shall be considered by the court unless the objection was specifically</p>

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<p>urged, in a timely manner, before the Secretary. The review shall be limited to questions of law and the findings of fact of the Secretary shall be conclusive if supported by substantial evidence.</p> <p>(b) JUDGMENT.--The court shall have jurisdiction to make and enter a decree affirming, modifying, or setting aside the order of the Secretary in whole or in part. The judgment of the court regarding the order shall be final, subject to certiorari review by the Supreme Court as provided in section 1254(1) of title 28, United States Code.</p>	<p>urged, in a timely manner, before the Secretary. The review shall be limited to questions of law and the findings of fact of the Secretary shall be conclusive if supported by substantial evidence.</p> <p>(b) Judgment.—The court shall have jurisdiction to make and enter a decree affirming, modifying, or setting aside the order of the Secretary in whole or in part. The judgment of the court regarding the order shall be final, subject to certiorari review by the Supreme Court as provided in section 1254(1) of title 28, United States Code.</p>
<p>SEC. 188. NONDISCRIMINATION.</p> <p>(a) IN GENERAL.--</p> <p>(1) FEDERAL FINANCIAL ASSISTANCE.--For the purpose of applying the prohibitions against discrimination on the basis of age under the Age Discrimination Act of 1975 (42 U.S.C. 6101 et seq.), on the basis of disability under section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), on the basis of sex under title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.), or on the basis of race, color, or national origin under title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.), programs and activities funded or otherwise financially assisted in whole or in part under this Act are considered to be programs and activities receiving Federal financial assistance.</p> <p>(2) PROHIBITION OF DISCRIMINATION REGARDING PARTICIPATION, BENEFITS, AND EMPLOYMENT.--No individual shall be excluded from participation in, denied the benefits of, subjected to discrimination under, or denied employment in the administration of or in connection with, any such program or activity because of race, color, religion, sex (except as</p>	<p>SEC. 188. NONDISCRIMINATION.</p> <p>(a) In General.—</p> <p>(1) FEDERAL FINANCIAL ASSISTANCE.—For the purpose of applying the prohibitions against discrimination on the basis of age under the Age Discrimination Act of 1975 (42 U.S.C. 6101 et seq.), on the basis of disability under section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), on the basis of sex under title IX of the Education Amendments of 1972 (20 U.S.C.1681 et seq.), or on the basis of race, color, or national origin under title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.), programs and activities funded or otherwise financially assisted in whole or in part under this Act are considered to be programs and activities receiving Federal financial assistance.</p> <p>(2) PROHIBITION OF DISCRIMINATION REGARDING PARTICIPATION, BENEFITS, AND EMPLOYMENT.—No individual shall be excluded from participation in, denied the benefits of, subjected to discrimination under, or denied employment in the administration of or in connection with, any such program or activity because of race, color, religion, sex (except as otherwise permitted under title IX of the Education Amendments of</p>

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Workforce Investment Act of 1998	Workforce Innovation and Opportunity Act of 2014
<p>otherwise permitted under title IX of the Education Amendments of 1972), national origin, age, disability, or political affiliation or belief.</p> <p>(3) PROHIBITION ON ASSISTANCE FOR FACILITIES FOR SECTARIAN INSTRUCTION OR RELIGIOUS WORSHIP.--Participants shall not be employed under this title to carry out the construction, operation, or maintenance of any part of any facility that is used or to be used for sectarian instruction or as a place for religious worship (except with respect to the maintenance of a facility that is not primarily or inherently devoted to sectarian instruction or religious worship, in a case in which the organization operating the facility is part of a program or activity providing services to participants).</p> <p>(4) PROHIBITION ON DISCRIMINATION ON BASIS OF PARTICIPANT STATUS.--No person may discriminate against an individual who is a participant in a program or activity that receives funds under this title, with respect to the terms and conditions affecting, or rights provided to, the individual, solely because of the status of the individual as a participant.</p> <p>(5) PROHIBITION ON DISCRIMINATION AGAINST CERTAIN NONCITIZENS.--Participation in programs and activities or receiving funds under this title shall be available to citizens and nationals of the United States, lawfully admitted permanent resident aliens, refugees, asylees, and parolees, and other immigrants authorized by the Attorney General to work in the United States.</p> <p>(b) ACTION OF SECRETARY.--Whenever the Secretary finds that a State or other recipient of funds under this title has failed to comply with a provision of law referred to in subsection (a)(1), or with paragraph (2), (3), (4), or (5) of</p>	<p>1972), national origin, age, disability, or political affiliation or belief.</p> <p>(3) PROHIBITION ON ASSISTANCE FOR FACILITIES FOR SECTARIAN INSTRUCTION OR RELIGIOUS WORSHIP.—Participants shall not be employed under this title to carry out the construction, operation, or maintenance of any part of any facility that is used or to be used for sectarian instruction or as a place for religious worship (except with respect to the maintenance of a facility that is not primarily or inherently devoted to sectarian instruction or religious worship, in a case in which the organization operating the facility is part of a program or activity providing services to participants).</p> <p>(4) PROHIBITION ON DISCRIMINATION ON BASIS OF PARTICIPANT STATUS.—No person may discriminate against an individual who is a participant in a program or activity that receives funds under this title, with respect to the terms and conditions affecting, or rights provided to, the individual, solely because of the status of the individual as a participant.</p> <p>(5) PROHIBITION ON DISCRIMINATION AGAINST CERTAIN NONCITIZENS.—Participation in programs and activities or receiving funds under this title shall be available to citizens and nationals of the United States, lawfully admitted permanent resident aliens, refugees, asylees, and parolees, and other immigrants authorized by the Attorney General to work in the United States.</p> <p>(b) Action of Secretary.—Whenever the Secretary finds that a State or other recipient of funds under this title has failed to comply with a provision of law referred to in subsection (a)(1), or with paragraph (2), (3), (4), or (5) of</p>

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<p>subsection (a), including an applicable regulation prescribed to carry out such provision or paragraph, the Secretary shall notify such State or recipient and shall request that the State or recipient comply. If within a reasonable period of time, not to exceed 60 days, the State or recipient fails or refuses to comply, the Secretary may—</p> <p>(1) refer the matter to the Attorney General with a recommendation that an appropriate civil action be instituted; or</p> <p>(2) take such other action as may be provided by law.</p> <p>(c) ACTION OF ATTORNEY GENERAL.--When a matter is referred to the Attorney General pursuant to subsection (b)(1), or whenever the Attorney General has reason to believe that a State or other recipient of funds under this title is engaged in a pattern or practice of discrimination in violation of a provision of law referred to in subsection (a)(1) or in violation of paragraph (2), (3), (4), or (5) of subsection (a), the Attorney General may bring a civil action in any appropriate district court of the United States for such relief as may be appropriate, including injunctive relief.</p> <p>(d) JOB CORPS.--For the purposes of this section, Job Corps members shall be considered as the ultimate beneficiaries of Federal financial assistance.</p> <p>(e) REGULATIONS.--The Secretary shall issue regulations necessary to implement this section not later than one year after the date of the enactment of the Workforce Investment Act of 1998. Such regulations shall adopt standards for determining discrimination and procedures for enforcement that are consistent with the Acts referred to in a subsection (a)(1), as well as procedures to ensure that complaints filed under this section and such Acts are processed in a manner that avoids duplication of effort.</p>	<p>subsection (a), including an applicable regulation prescribed to carry out such provision or paragraph, the Secretary shall notify such State or recipient and shall request that the State or recipient comply. If within a reasonable period of time, not to exceed 60 days, the State or recipient fails or refuses to comply, the Secretary may—</p> <p>(1) refer the matter to the Attorney General with a recommendation that an appropriate civil action be instituted; or</p> <p>(2) take such other action as may be provided by law.</p> <p>(c) Action of Attorney General.—When a matter is referred to the Attorney General pursuant to subsection (b)(1), or whenever the Attorney General has reason to believe that a State or other recipient of funds under this title is engaged in a pattern or practice of discrimination in violation of a provision of law referred to in subsection (a)(1) or in violation of paragraph (2), (3), (4), or (5) of subsection (a), the Attorney General may bring a civil action in any appropriate district court of the United States for such relief as may be appropriate, including injunctive relief.</p> <p>(d) Job Corps.—For the purposes of this section, Job Corps members shall be considered to be the ultimate beneficiaries of Federal financial assistance.</p> <p>(e) Regulations.—The Secretary shall issue regulations necessary to implement this section not later than 1 year after the date of enactment of the Workforce Innovation and Opportunity Act. Such regulations shall adopt standards for determining discrimination and procedures for enforcement that are consistent with the Acts referred to in subsection (a)(1), as well as procedures to ensure that complaints filed under this section and such Acts are processed in a manner that avoids duplication of effort.</p>

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<p>SEC. 189. <b>ADMINISTRATIVE PROVISIONS.</b></p> <p>(a) IN GENERAL.--The Secretary may, in accordance with chapter 5 of title 5, United States Code, prescribe rules and regulations to carry out this title only to the extent necessary to administer and ensure compliance with the requirements of this title. Such rules and regulations may include provisions making adjustments authorized by <del>section 204 of the Intergovernmental Cooperation Act of 1968.</del> All such rules and regulations shall be published in the Federal Register at least 30 days prior to their effective dates. Copies of each such rule or regulation shall be transmitted to the appropriate committees of Congress on the date of such publication and shall contain, with respect to each material provision of such rule or regulation, a citation to the particular substantive section of law that is the basis for the provision.</p> <p>(b) ACQUISITION OF CERTAIN PROPERTY AND SERVICES.--The Secretary is authorized, in carrying out this title, to accept, purchase, or lease in the name of the Department of Labor, and employ or dispose of in furtherance of the purposes of this title, any money or property, real, personal, or mixed, tangible or intangible, received by gift, devise, bequest, or otherwise, and to accept voluntary and uncompensated services notwithstanding the provisions of section 1342 of title 31, United States Code.</p> <p>(c) AUTHORITY TO ENTER INTO CERTAIN AGREEMENTS AND TO MAKE CERTAIN EXPENDITURES.--The Secretary may make such grants, enter into such contracts or agreements, establish such procedures, and make such payments, in installments and in advance or by way of reimbursement, or otherwise allocate or expend such funds under this title, as may be necessary to carry out this title, including making expenditures for construction, repairs, and</p>	<p>SEC.189. <b>SECRETARIAL ADMINISTRATIVE AUTHORITIES AND RESPONSIBILITIES.</b></p> <p>(a) In General.—In accordance with chapter 5 of title 5, United States Code, the Secretary may prescribe rules and regulations to carry out this title, only to the extent necessary to administer and ensure compliance with the requirements of this title. Such rules and regulations may include provisions making adjustments authorized <b>by section 6504 of title 31, United States Code.</b> All such rules and regulations shall be published in the Federal Register at least 30 days prior to their effective dates. Copies of each such rule or regulation shall be transmitted to the appropriate committees of Congress on the date of such publication and shall contain, with respect to each material provision of such rule or regulation, a citation to the particular substantive section of law that is the basis for the provision.</p> <p>(b) Acquisition of Certain Property and Services.—The Secretary is authorized, in carrying out this title, to accept, purchase, or lease in the name of the Department of Labor, and employ or dispose of in furtherance of the purposes of this title, any money or property, real, personal, or mixed, tangible or intangible, received by gift, devise, bequest, or otherwise, and to accept voluntary and uncompensated services notwithstanding the provisions of section 1342 of title 31, United States Code.</p> <p>(c) Authority To Enter Into Certain Agreements and To Make Certain Expenditures.—The Secretary may make such grants, enter into such contracts or agreements, establish such procedures, and make such payments, in installments and in advance or by way of reimbursement, or otherwise allocate or expend such funds under this title, as may be necessary to carry out this title, including making expenditures for construction, repairs, and</p>

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<p>capital improvements, and including making necessary adjustments in payments on account of over-payments or underpayments.</p> <p>(d) ANNUAL REPORT.--The Secretary shall prepare and submit <b>to Congress</b> an annual report regarding the programs and activities carried out under this title. The Secretary shall include in such report—</p> <ul style="list-style-type: none"><li>(1) a summary of the achievements, failures, and problems of the programs and activities in meeting the objectives of this title;</li><li>(2) a summary of major findings from research, evaluations, pilot projects, and experiments conducted under this title in the fiscal year prior to the submission of the report;</li><li>(3) recommendations for modifications in the programs and activities based on analysis of such findings; and</li><li>(4) such other recommendations for legislative or administrative action as the Secretary determines to be appropriate.</li></ul> <p>(e) UTILIZATION OF SERVICES AND FACILITIES.--The Secretary is authorized, in carrying out this title, under the same procedures as are applicable under subsection (c) or to the extent permitted by law other than this title, to accept and use the services and facilities of departments, agencies, and establishments of the United States. The Secretary is also authorized, in carrying out this title, to accept and use the services and facilities of the agencies of any State or political subdivision of a State, with the consent of the State or political subdivision.</p> <p>(f ) OBLIGATIONAL AUTHORITY.--Notwithstanding any other provision of this title, the Secretary shall have no authority to enter into</p>	<p>capital improvements, and including making necessary adjustments in payments on account of over-payments or underpayments.</p> <p>(d) Annual Report.—The Secretary shall prepare and submit <b>to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate</b> an annual report regarding the programs and activities funded under this title. The Secretary shall include in such report—</p> <ul style="list-style-type: none"><li>(1) a summary of the achievements, failures, and challenges of the programs and activities in meeting the objectives of this title;</li><li>(2) a summary of major findings from research, evaluations, pilot projects, and experiments conducted under this title in the fiscal year prior to the submission of the report;</li><li>(3) recommendations for modifications in the programs and activities based on analysis of such findings; and</li><li>(4) such other recommendations for legislative or administrative action as the Secretary determines to be appropriate.</li></ul> <p>(e) Utilization of Services and Facilities.— The Secretary is authorized, in carrying out this title, under the same procedures as are applicable under subsection (c) or to the extent permitted by law other than this title, to accept and use the services and facilities of departments, agencies, and establishments of the United States. The Secretary is also authorized, in carrying out this title, to accept and use the services and facilities of the agencies of any State or political subdivision of a State, with the consent of the State or political subdivision.</p> <p>(f) Obligational Authority.—Notwithstanding any other provision of this title, the Secretary shall have no authority to enter into contracts, grant</p>

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<p>contracts, grant agreements, or other financial assistance agreements under this title except to such extent and in such amounts as are provided in advance in appropriations Acts.</p> <p>(g) PROGRAM YEAR.--</p> <p>(1) IN GENERAL.—</p> <p>(A) PROGRAM YEAR.--Except as provided in subparagraph (B), appropriations for any fiscal year for programs and activities carried out under this title shall be available for obligation only on the basis of a program year. The program year shall begin on July 1 in the fiscal year for which the appropriation is made.</p> <p>(B) YOUTH ACTIVITIES.--The Secretary may make available for obligation, beginning April 1 of any fiscal year, funds appropriated for such fiscal year to carry out youth activities under subtitle B.</p> <p>(2) AVAILABILITY.--Funds obligated for any program year for a program or activity carried out under this title may be expended by each State receiving such funds during that program year and the 2 succeeding program years. Funds obligated for any program year for a program or activity carried out under section 171 or 172 shall remain available until expended. Funds received by local areas from States under this title during a program year may be expended during that program year and the succeeding program year.</p>	<p>agreements, or other financial assistance agreements under this title, except to such extent and in such amounts as are provided in advance in appropriations Acts.</p> <p>(g) Program Year.—</p> <p>(1) IN GENERAL.—</p> <p>(A) PROGRAM YEAR.—Except as provided in subparagraph (B), appropriations for any fiscal year for programs and activities funded under this title shall be available for obligation only on the basis of a program year. The program year shall begin on July 1 in the fiscal year for which the appropriation is made.</p> <p>(B) YOUTH WORKFORCE INVESTMENT ACTIVITIES.—The Secretary may make available for obligation, beginning April 1 of any fiscal year, funds appropriated for such fiscal year to carry out youth workforce investment activities under subtitle B and activities under section 171.</p> <p>(2) AVAILABILITY.—</p> <p>(A) IN GENERAL.—Funds obligated for any program year for a program or activity funded under subtitle B may be expended by each State receiving such funds during that program year and the 2 succeeding program years. Funds received by local areas from States under subtitle B during a program year may be expended during that program year and the succeeding program year.</p> <p>(B) CERTAIN NATIONAL ACTIVITIES.—</p> <p>(i) IN GENERAL.—Funds obligated for any program year for any program or activity carried out under section 169 shall remain available until expended.</p>

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<p>No amount of the funds described in this paragraph shall be deobligated on account of a rate of expenditure that is consistent with a State plan, an operating plan described in section 151, or a plan, grant agreement, contract, application, or other agreement described in subtitle D, as appropriate.</p> <p>(h) ENFORCEMENT OF MILITARY SELECTIVE SERVICE ACT.--The Secretary shall ensure that each individual participating in any program or activity established under this title, or receiving any assistance or benefit under this title, has not violated section 3 of the Military Selective Service Act (50 U.S.C. App. 453) by not presenting and submitting to registration as required pursuant to such section. The Director of the Selective Service System shall cooperate with the Secretary to enable the Secretary to carry out this subsection.</p> <p>(i) WAIVERS AND SPECIAL RULES.-- <del>(1) EXISTING WAIVERS.—With respect to a State that has been granted a waiver under the provisions relating to training and employment services of the Department of Labor in title I of the Departments of Labor, Health and Human</del></p>	<p>(ii) INCREMENTAL FUNDING BASIS.—A contract or arrangement entered into under the authority of subsection (a) or (b) of section 169 (relating to evaluations, research projects, studies and reports, and multistate projects), including a long-term, nonseverable services contract, may be funded on an incremental basis with annual appropriations or other available funds.</p> <p>(C) SPECIAL RULE.—No amount of the funds obligated for a program year for a program or activity funded under this title shall be deobligated on account of a rate of expenditure that is consistent with a State plan, an operating plan described in section 151, or a plan, grant agreement, contract, application, or other agreement described in subtitle D, as appropriate.</p> <p>(D) FUNDS FOR PAY-FOR-PERFORMANCE CONTRACT STRATEGIES.—Funds used to carry out pay-for-performance contract strategies by local areas shall remain available until expended.</p> <p>(h) Enforcement of Military Selective Service Act.—The Secretary shall ensure that each individual participating in any program or activity established under this title, or receiving any assistance or benefit under this title, has not violated section 3 of the Military Selective Service Act (50 U.S.C. App. 453) by not presenting and submitting to registration as required pursuant to such section. The Director of the Selective Service System shall cooperate with the Secretary to enable the Secretary to carry out this subsection.</p> <p>(i) Waivers.—</p>

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<p><del>Services, and Education, and Related Agencies Appropriations Act, 1997 (Public Law 104-208; 110 Stat. 3009-234), the authority provided under such waiver shall continue in effect and apply, and include a waiver of the related provisions of subtitle B and this subtitle, for the duration of the initial waiver.</del></p> <p>(2) SPECIAL RULE REGARDING DESIGNATED AREAS.--A State that has enacted, not later than December 31, 1997, a State law providing for the designation of service delivery areas for the delivery of workforce investment activities, may use such areas as local areas under this title, notwithstanding section 116.</p> <p>(3) SPECIAL RULE REGARDING SANCTIONS.--A State that enacts, not later than December 31, 1997, a State law providing for the sanctioning of such service delivery areas for failure to meet performance measures for workforce investment activities, may use the State law to sanction local areas for failure to meet State performance measures under this title.</p> <p>(4) GENERAL WAIVERS OF STATUTORY OR REGULATORY REQUIREMENTS.--</p> <p>(A) GENERAL AUTHORITY.--Notwithstanding any other provision of law, the Secretary may waive for a State, or a local area in a State, pursuant to a request submitted by the Governor of the State (in consultation with appropriate local elected officials) that meets the requirements of subparagraph (B)—</p> <p>(i) any of the statutory or regulatory requirements of subtitle B or this subtitle (except for requirements relating to wage and labor standards, including nondisplacement protections, worker rights, participation and protection of workers and participants, grievance</p>	<p>(1) SPECIAL RULE REGARDING DESIGNATED AREAS.—A State that has enacted, not later than December 31, 1997, a State law providing for the designation of service delivery areas for the delivery of workforce investment activities, may use such areas as local areas under this title, notwithstanding section 106.</p> <p>(2) SPECIAL RULE REGARDING SANCTIONS.—A State that has enacted, not later than December 31, 1997, a State law providing for the sanctioning of such service delivery areas for failure to meet performance accountability measures for workforce investment activities, may use the State law to sanction local areas for failure to meet State performance accountability measures under this title.</p> <p>(3) GENERAL WAIVERS OF STATUTORY OR REGULATORY REQUIREMENTS.—</p> <p>(A) GENERAL AUTHORITY.—Notwithstanding any other provision of law, the Secretary may waive for a State, or a local area in a State, pursuant to a request submitted by the Governor of the State (in consultation with appropriate local elected officials) with a plan that meets the requirements of subparagraph (B)—</p> <p>(i) any of the statutory or regulatory requirements of subtitle A, subtitle B, or this subtitle (except for requirements relating to wage and labor standards, including nondisplacement protections, worker rights, participation and protection of workers and</p>

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<p>procedures and judicial review, nondiscrimination, allocation of funds to local areas, eligibility of providers or participants, the establishment and functions of local areas and local boards, and procedures for review and approval of plans); and</p> <p>(ii) any of the statutory or regulatory requirements of sections 8 through 10 of the Wagner- Peyser Act (29 U.S.C. 49g through 49i) (excluding requirements relating to the provision of services to unemployment insurance claimants and veterans, and requirements relating to universal access to basic labor exchange services without cost to jobseekers).</p> <p>(B) REQUESTS.--A Governor requesting a waiver under subparagraph (A) shall submit a plan to the Secretary to improve the statewide workforce investment system that—</p> <p>(i) identifies the statutory or regulatory requirements that are requested to be waived and the goals that the State or local area in the State, as appropriate, intends to achieve as a result of the waiver;</p> <p>(ii) describes the actions that the State or local area, as appropriate, has undertaken to remove State or local statutory or regulatory barriers;</p> <p>(iii) describes the goals of the waiver and the expected programmatic outcomes if the request is granted;</p> <p>(iv) describes the individuals impacted by the waiver; and</p> <p>(v) describes the process used to monitor the progress in implementing such a waiver, and the process by which notice and an opportunity to comment on such request has been provided</p>	<p>participants, grievance procedures and judicial review, nondiscrimination, allocation of funds to local areas, eligibility of providers or participants, the establishment and functions of local areas and local boards, the funding of infrastructure costs for one-stop centers, and procedures for review and approval of plans, and other requirements relating to the basic purposes of this title); and</p> <p>(ii) any of the statutory or regulatory requirements of sections 8 through 10 of the Wagner-Peyser Act (29 U.S.C. 49g through 49i) (excluding requirements relating to the provision of services to unemployment insurance claimants and veterans, and requirements relating to universal access to basic labor exchange services without cost to jobseekers).</p> <p>(B) REQUESTS.—A Governor requesting a waiver under subparagraph (A) shall submit a plan to the Secretary to improve the statewide workforce development system that—</p> <p>(i) identifies the statutory or regulatory requirements that are requested to be waived and the goals that the State or local area in the State, as appropriate, intends to achieve as a result of the waiver;</p> <p>(ii) describes the actions that the State or local area, as appropriate, has undertaken to remove State or local statutory or regulatory barriers;</p> <p>(iii) describes the goals of the waiver and the expected programmatic outcomes if the request is granted;</p> <p>(iv) describes the individuals impacted by the waiver; and</p> <p>(v) describes the process used to monitor the progress in implementing such a waiver, and the process by which notice and, in the case of a waiver for a local area, an opportunity to comment on such request has been provided to the local board for the local area for which the waiver is</p>

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<p>to the local board.</p> <p>(C) CONDITIONS.--Not later than 90 days after the date of the original submission of a request for a waiver under subparagraph (A), the Secretary shall provide a waiver under this paragraph if and only to the extent that—</p> <ul style="list-style-type: none"><li>(i) the Secretary determines that the requirements requested to be waived impede the ability of the State or local area, as appropriate, to implement the plan described in subparagraph (B); and</li><li>(ii) the State has executed a memorandum of understanding with the Secretary requiring such State to meet, or ensure that the local area meets, agreed-upon outcomes and to implement other appropriate measures to ensure accountability.</li></ul>	<p>requested.</p> <p>(C) CONDITIONS.—Not later than 90 days after the date of the original submission of a request for a waiver under subparagraph (A), the Secretary shall provide a waiver under this subsection if and only to the extent that—</p> <ul style="list-style-type: none"><li>(i) the Secretary determines that the requirements requested to be waived impede the ability of the State or local area, as appropriate, to implement the plan described in subparagraph (B); and</li><li>(ii) the State has executed a memorandum of understanding with the Secretary requiring such State to meet, or ensure that the local area for which the waiver is requested meets, agreed-upon outcomes and to implement other appropriate measures to ensure accountability.</li></ul> <p>(D) EXPEDITED DETERMINATION REGARDING PROVISION OF WAIVERS.—If the Secretary has approved a waiver of statutory or regulatory requirements for a State or local area pursuant to this subsection, the Secretary shall expedite the determination regarding the provision of that waiver, for another State or local area if such waiver is in accordance with the approved State or local plan, as appropriate.</p>
<p>SEC. 190. REFERENCE.</p> <p>Effective on the date of the enactment of the Workforce Investment Act of 1998, all references in any other provision of law (other than section 665 of title 18, United States Code) to the Comprehensive Employment and Training Act, or to the Job Training Partnership Act, as the case may be, shall be deemed to refer to the "Workforce Investment Act of 1998."</p>	

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<p>SEC. 192. WORKFORCE FLEXIBILITY PLANS.</p> <p>(a) PLANS.--A State may submit to the Secretary, and the Secretary may approve, a workforce flexibility plan under which the State is authorized to waive, in accordance with the plan—</p> <p>(1) any of the statutory or regulatory requirements applicable under this title to local areas, pursuant to applications for such waivers from the local areas, except for requirements relating to the basic purposes of this title, wage and labor standards, grievance procedures and judicial review, nondiscrimination, eligibility of participants, allocation of funds to local areas, establishment and functions of local areas and local boards, review and approval of local plans, and worker rights, participation, and protection;</p> <p>(2) any of the statutory or regulatory requirements applicable under sections 8 through 10 of the Wagner-Peyser Act (29 U.S.C. 49g through 49i), to the State, except for requirements relating to the provision of services to unemployment insurance claimants and veterans, and to universal access to basic labor exchange services without cost to jobseekers; and</p> <p>(3) any of the statutory or regulatory requirements applicable under the Older Americans Act of 1965 (42 U.S.C. 3001 et seq.), to State agencies on aging with respect to activities carried out using funds allotted under section 506(a)(3) of such Act (42 U.S.C. 3056d(a)(3)), except for requirements relating to the basic purposes of such Act, wage and labor standards, eligibility of participants in the activities, and standards for agreements.</p> <p>(b) CONTENT OF PLANS.--A workforce flexibility plan implemented by a State under subsection (a) shall include descriptions of—</p>	<p>SEC. 190. WORKFORCE FLEXIBILITY PLANS.</p> <p>(a) Plans.—A State may submit to the Secretary, and the Secretary may approve, a workforce flexibility plan under which the State is authorized to waive, in accordance with the plan—</p> <p>(1) any of the statutory or regulatory requirements applicable under this title to local areas, pursuant to applications for such waivers from the local areas, except for requirements relating to the basic purposes of this title, wage and labor standards, grievance procedures and judicial review, nondiscrimination, eligibility of participants, allocation of funds to local areas, establishment and functions of local areas and local boards, procedures for review and approval of local plans, and worker rights, participation, and protection;</p> <p>(2) any of the statutory or regulatory requirements applicable under sections 8 through 10 of the Wagner-Peyser Act (29 U.S.C. 49g through 49i) to the State (excluding requirements relating to the provision of services to unemployment insurance claimants and veterans, and requirements relating to universal access to basic labor exchange services without cost to jobseekers); and</p> <p>(3) any of the statutory or regulatory requirements applicable under the Older Americans Act of 1965 (42 U.S.C. 3001 et seq.) to State agencies on aging with respect to activities carried out using funds allotted under section 506(b) of such Act (42 U.S.C. 3056d(b)), except for requirements relating to the basic purposes of such Act, wage and labor standards, eligibility of participants in the activities, and standards for grant agreements.</p> <p>(b) Content of Plans.—A workforce flexibility plan implemented by a State under subsection (a) shall include descriptions of—</p>

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# WIA & WIOA Side-by-Side

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Workforce Investment Act of 1998	Workforce Innovation and Opportunity Act of 2014
<p>(1)(A) the process by which local areas in the State may submit and obtain approval by the State of applications for waivers of requirements applicable under this title; and (B) the requirements described in subparagraph (A) that are likely to be waived by the State under the plan;</p> <p>(2) the requirements applicable under sections 8 through 10 of the Wagner-Peyser Act that are proposed to be waived, if any;</p> <p>(3) the requirements applicable under the Older Americans Act of 1965 that are proposed to be waived, if any;</p> <p>(4) the outcomes to be achieved by the waivers described in paragraphs (1) through (3); and</p> <p>(5) other measures to be taken to ensure appropriate accountability for Federal funds in connection with the waivers.</p> <p>(c) PERIODS.--The Secretary may approve a workforce flexibility plan for a period of not more than 5 years.</p> <p>(d) OPPORTUNITY FOR PUBLIC COMMENTS.--Prior to submitting a workforce flexibility plan to the Secretary for approval, the State shall provide to all interested parties and to the general public adequate notice and a reasonable opportunity for comment on the waiver requests proposed to be implemented pursuant to such plan.</p>	<p>(1)(A) the process by which local areas in the State may submit and obtain approval by the State of applications for waivers of requirements applicable under this title; and (B) the requirements described in subparagraph (A) that are likely to be waived by the State under the plan;</p> <p>(2) the requirements applicable under sections 8 through 10 of the Wagner-Peyser Act that are proposed to be waived, if any;</p> <p>(3) the requirements applicable under the Older Americans Act of 1965 that are proposed to be waived, if any;</p> <p>(4) the outcomes to be achieved by the waivers described in paragraphs (1) through (3); and</p> <p>(5) other measures to be taken to ensure appropriate accountability for Federal funds in connection with the waivers.</p> <p>(c) Periods.—The Secretary may approve a workforce flexibility plan for a period of not more than 5 years.</p> <p>(d) Opportunity for Public Comments.—Prior to submitting a workforce flexibility plan to the Secretary for approval, the State shall provide to all interested parties and to the general public adequate notice of and a reasonable opportunity for comment on the waiver requests proposed to be implemented pursuant to such plan.</p>
<p>SEC. 191. STATE LEGISLATIVE AUTHORITY.</p> <p>(a) AUTHORITY OF STATE LEGISLATURE.--Nothing in this title shall be interpreted to preclude the enactment of State legislation providing for the implementation, consistent with the provisions of this title, of the activities assisted under this title. Any funds received by a State under this title shall be subject to appropriation by the State legislature, consistent with the terms and conditions required under this title.</p>	<p>SEC. 191. STATE LEGISLATIVE AUTHORITY.</p> <p>(a) Authority of State Legislature.—Nothing in this title shall be interpreted to preclude the enactment of State legislation providing for the implementation, consistent with the provisions of this title, of the activities assisted under this title. Any funds received by a State under this title shall be subject to appropriation by the State legislature, consistent with the terms and conditions required under this title.</p>

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(b) INTERSTATE COMPACTS AND COOPERATIVE AGREEMENTS.--In the event that compliance with provisions of this title would be enhanced by compacts and cooperative agreements between States, the consent of Congress is given to States to enter into such compacts and agreements to facilitate such compliance, subject to the approval of the Secretary.	(b) Interstate Compacts and Cooperative Agreements.—In the event that compliance with provisions of this title would be enhanced by compacts and cooperative agreements between States, the consent of Congress is given to States to enter into such compacts and agreements to facilitate such compliance, subject to the approval of the Secretary.
SEC. 192. WORKFORCE FLEXIBILITY PLANS. <b>(CORRESPONDS TO SECTION 190 OF WIOA)</b>	
<p><b>SEC. 193. USE OF CERTAIN REAL PROPERTY.</b></p> <p>(a) <b>IN GENERAL.</b>--Notwithstanding any other provision of law, the Governor may authorize a public agency to make available, for the use of a one-stop service delivery system within the State which is carried out by a consortium of entities that includes the public agency, real property in which, as of the date of the enactment of the Workforce Investment Act of 1998, the Federal Government has acquired equity through the use of funds provided under title III of the Social Security Act (42 U.S.C. 501 et seq.), section 903(c) of such Act (42 U.S.C. 1103(c)), or the Wagner-Peyser Act (29 U.S.C. 49 et seq.).</p> <p>(b) <b>USE OF FUNDS.</b>--Subsequent to the commencement of the use of the property described in subsection (a) for the functions of a one- stop service delivery system, funds provided under the provisions of</p>	<p><b>SEC. 192. TRANSFER OF FEDERAL EQUITY IN STATE EMPLOYMENT SECURITY AGENCY REAL PROPERTY TO THE STATES.</b></p> <p>(a) <b>Transfer of Federal Equity.</b>—Notwithstanding any other provision of law, any Federal equity acquired in real property through grants to States awarded under title III of the Social Security Act (42 U.S.C. 501 et seq.) or under the Wagner-Peyser Act (29 U.S.C. 49 et seq.) is transferred to the States that used the grants for the acquisition of such equity. The portion of any real property that is attributable to the Federal equity transferred under this section shall be used to carry out activities authorized under this Act, title III of the Social Security Act, or the Wagner-Peyser Act. Any disposition of such real property shall be carried out in accordance with the procedures prescribed by the Secretary and the portion of the proceeds from the disposition of such real property that is attributable to the Federal equity transferred under this section shall be used to carry out activities authorized under this Act, title III of the Social Security Act, or the Wagner-Peyser Act.</p> <p>(b) <b>Limitation on Use.</b>—A State shall not use funds awarded under this Act, title III of the Social Security Act, or the Wagner-Peyser Act to amortize the costs of real property that is purchased by any State on or</p>

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law described in subsection (a) may only be used to acquire further equity in such property, or to pay operating and maintenance expenses relating to such property in proportion to the extent of the use of such property attributable to the activities authorized under such provisions of law.	after the date of enactment of the Revised Continuing Appropriations Resolution, 2007.
<p>SEC. 194. CONTINUATION OF STATE ACTIVITIES AND POLICIES.</p> <p>(a) IN GENERAL.--Notwithstanding any other provision of this title, the Secretary may not deny approval of a State plan for a covered State, or an application of a covered State for financial assistance, under this title or find a covered State (including a State board or Governor), or a local area (including a local board or chief elected official) in a covered State, in violation of a provision of this title, on the basis that—</p> <p>(1)(A) the State proposes to allocate or disburse, allocates, or disburses, within the State, funds made available to the State under section 127 or 132 in accordance with the allocation formula for the type of activities involved, or in accordance with a disbursal procedure or process, used by the State under prior consistent State laws; or</p> <p>(B) a local board in the State proposes to disburse, or disburses, within the local area, funds made available to a State under section 127 or 132 in accordance with a disbursal procedure or process used by a private industry council under prior consistent State law;</p> <p>(2) the State proposes to carry out or carries out a State procedure through which local areas use, as fiscal agents for funds made available to the State under section 127 or 132 and allocated within the State, fiscal agents selected in accordance with a process established under prior consistent State laws;</p>	<p>SEC. 193. CONTINUATION OF STATE ACTIVITIES AND POLICIES.</p> <p>(a) In General.—Notwithstanding any other provision of this title, the Secretary may not deny approval of a State plan for a covered State, or an application of a covered State for financial assistance, under this title, or find a covered State (including a State board or Governor), or a local area (including a local board or chief elected official) in a covered State, in violation of a provision of this title, on the basis that—</p> <p>(1)(A) the State proposes to allocate or disburse, allocates, or disburses, within the State, funds made available to the State under section 127 or 132 in accordance with the allocation formula for the type of activities involved, or in accordance with a disbursal procedure or process, used by the State under prior consistent State laws; or</p> <p>(B) a local board in the State proposes to disburse, or disburses, within the local area, funds made available to the State under section 127 or 132 in accordance with a disbursal procedure or process used by a private industry council under prior consistent State law;</p> <p>(2) the State proposes to carry out or carries out a State procedure through which local areas use, as fiscal agents for funds made available to the State under section 127 or 132 and allocated within the State, fiscal agents selected in accordance with a process established under prior consistent State laws;</p>

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<p>(3) the State proposes to carry out or carries out a State procedure through which the local board in the State (or the local boards, the chief elected officials in the State, and the Governor) designate or select the one-stop partners and one-stop operators of the statewide system in the State under prior consistent State laws, in lieu of making the designation, or certification described in section 121 (regardless of the date the one-stop delivery systems involved have been established);</p> <p>(4) the State proposes to carry out or carries out a State procedure through which the persons responsible for selecting eligible providers for purposes of subtitle B are permitted to determine that a provider shall not be selected to provide both intake services under section 134(d)(2) and training services under section 134(d)(4), under prior consistent State laws;</p> <p>(5) the State proposes to designate or designates a State board, or proposes to assign or assigns functions and roles of the State board (including determining the time periods for development and submission of a State plan required under section 112), for purposes of subtitle B in accordance with prior consistent State laws; or</p> <p>(6) a local board in the State proposes to use or carry out, uses, or carries out a local plan (including assigning functions and roles of the local board) for purposes of subtitle B in accordance with the authorities and requirements applicable to local plans and private industry councils under prior consistent State laws.</p> <p>(b) DEFINITION.--In this section:</p>	<p>(3) the State proposes to carry out or carries out a State procedure through which the local boards in the State (or the local boards, the chief elected officials in the State, and the Governor) designate or select the one-stop partners and one-stop operators of the statewide system in the State under prior consistent State laws, in lieu of making the designation or certification described in section 121 (regardless of the date the one-stop delivery systems involved have been established);</p> <p>(4) the State proposes to carry out or carries out a State procedure through which the persons responsible for selecting eligible providers for purposes of subtitle B are permitted to determine that a provider shall not be selected to provide both intake services under section 134(c)(2) and training services under section 134(c)(3), under prior consistent State laws;</p> <p>(5) the State proposes to designate or designates a State board, or proposes to assign or assigns functions and roles of the State board (including determining the time periods for development and submission of a State plan required under section 102 or 103), for purposes of subtitle A in accordance with prior consistent State laws; or</p> <p>(6) a local board in the State proposes to use or carry out, uses, or carries out a local plan (including assigning functions and roles of the local board) for purposes of subtitle A in accordance with the authorities and requirements applicable to local plans and private industry councils under prior consistent State laws.</p> <p>(b) Definition.—In this section:</p>

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(1) COVERED STATE.--The term "covered State" means a State that enacted State laws described in paragraph (2).	(1) COVERED STATE.—The term “covered State” means a State that enacted State laws described in paragraph (2).
(2) PRIOR CONSISTENT STATE LAWS.--The term "prior consistent State laws" means State laws, not inconsistent with the Job Training Partnership Act or any other applicable Federal law, that took effect on September 1, 1993, September 1, 1995, and September 1, 1997.	(2) PRIOR CONSISTENT STATE LAWS.—The term “prior consistent State laws” means State laws, not inconsistent with the Job Training Partnership Act or any other applicable Federal law, that took effect on September 1, 1993, September 1, 1995, and September 1, 1997.
SEC. 195. GENERAL PROGRAM REQUIREMENTS.  Except as otherwise provided in this title, the following conditions are applicable to all programs under this title: (1) Each program under this title shall provide employment and training opportunities to those who can benefit from, and who are most in need of, such opportunities. In addition, efforts shall be made to develop programs which contribute to occupational development, upward mobility, development of new careers, and opportunities for nontraditional employment.  (2) Funds provided under this title shall only be used for activities that are in addition to those that would otherwise be available in the local area in the absence of such funds.  (3)(A) Any local area may enter into an agreement with another local area (including a local area that is a city or county within the same labor market) to pay or share the cost of educating, training, or placing individuals participating in programs assisted under this title, including the provision of supportive services. (B) Such agreement shall be approved by each local board <b>providing guidance</b>	SEC. 194. GENERAL PROGRAM REQUIREMENTS.  Except as otherwise provided in this title, the following conditions apply to all programs under this title: (1) Each program under this title shall provide employment and training opportunities to those who can benefit from, and who are most in need of, such opportunities. In addition, <b>the recipients of Federal funding for programs under this title shall make</b> efforts to develop programs that contribute to occupational development, upward mobility, development of new careers, and opportunities for nontraditional employment.  (2) Funds provided under this title shall only be used for activities that are in addition to activities that would otherwise be available in the local area in the absence of such funds.  (3)(A) Any local area may enter into an agreement with another local area (including a local area that is a city or county within the same labor market) to pay or share the cost of educating, training, or placing individuals participating in programs assisted under this title, including the provision of supportive services. (B) Such agreement shall be approved by each local board for a local

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<p>to the local area and shall be described in the local plan under section 118.</p> <p>(4) On-the-job training contracts under this title shall not be entered into with employers who have received payments under previous contracts and have exhibited a pattern of failing to provide on-the-job training participants with continued long- term employment as regular employees with wages and employment benefits (including health benefits) and working conditions at the same level and to the same extent as other employees working a similar length of time and doing the same type of work.</p> <p>(5) No person or organization may charge an individual a fee for the placement or referral of the individual in or to a workforce investment activity under this title.</p> <p>(6) The Secretary shall not provide financial assistance for any program under this title that involves political activities.</p> <p>(7)(A) Income under any program administered by a public or private nonprofit entity may be retained by such entity only if such income is used to continue to carry out the program.</p> <p>(B) Income subject to the requirements of subparagraph (A) shall include—</p> <ul style="list-style-type: none"><li>(i) receipts from goods or services (including conferences) provided as a result of activities funded under this title;</li><li>(ii) funds provided to a service provider under this title that are in excess of the costs associated with the services provided; and</li><li>(iii) interest income earned on funds received under this title.</li></ul>	<p>area entering into the agreement and shall be described in the local plan under section 108.</p> <p>(4) On-the-job training contracts under this title, shall not be entered into with employers who have received payments under previous contracts <b>under this Act or the Workforce Investment Act of 1998</b> and have exhibited a pattern of failing to provide on-the-job training participants with continued long-term employment as regular employees with wages and employment benefits (including health benefits) and working conditions at the same level and to the same extent as other employees working a similar length of time and doing the same type of work.</p> <p>(5) No person or organization may charge an individual a fee for the placement or referral of the individual in or to a workforce investment activity under this title.</p> <p>(6) The Secretary shall not provide financial assistance for any program under this title that involves political activities.</p> <p>(7)(A) Income under any program administered by a public or private nonprofit entity may be retained by such entity only if such income is used to continue to carry out the program.</p> <p>(B) Income subject to the requirements of subparagraph (A) shall include—</p> <ul style="list-style-type: none"><li>(i) receipts from goods or services (including conferences) provided as a result of activities funded under this title;</li><li>(ii) funds provided to a service provider under this title that are in excess of the costs associated with the services provided; and</li><li>(iii) interest income earned on funds received under this title.</li></ul>

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<p>(C) For purposes of this paragraph, each entity receiving financial assistance under this title shall maintain records sufficient to determine the amount of such income received and the purposes for which such income is expended.</p> <p>(8)(A) The Secretary shall notify the Governor and the appropriate local board and chief elected official of, and consult with the Governor and such board and official concerning, any activity to be funded by the Secretary under this title within the corresponding State or local area.</p> <p>(B) The Governor shall notify the appropriate local board and chief elected official of, and consult with such board and official concerning, any activity to be funded by the Governor under this title within the corresponding local area.</p> <p>(9)(A) All education programs for youth supported with funds provided under chapter 4 of subtitle B shall be consistent with applicable State and local educational standards.</p> <p>(B) Standards and procedures with respect to awarding academic credit and certifying educational attainment in programs conducted under such chapter shall be consistent with the requirements of applicable State and local law, including regulation.</p> <p>(10) No funds available under this title may be used for public service employment except as specifically authorized under this title.</p> <p>(11) The Federal requirements governing the title, use, and disposition of real property, equipment, and supplies purchased with funds provided under this title shall be the Federal requirements generally applicable to Federal grants to States and local governments.</p>	<p>(C) For purposes of this paragraph, each entity receiving financial assistance under this title shall maintain records sufficient to determine the amount of such income received and the purposes for which such income is expended.</p> <p>(8)(A) The Secretary shall notify the Governor and the appropriate local board and chief elected official of, and consult with the Governor and such board and official concerning, any activity to be funded by the Secretary under this title within the corresponding State or local area.</p> <p>(B) The Governor shall notify the appropriate local board and chief elected official of, and consult with such board and official concerning, any activity to be funded by the Governor under this title within the corresponding local area.</p> <p>(9)(A) All education programs for youth supported with funds provided under chapter 2 of subtitle B shall be consistent with applicable State and local educational standards.</p> <p>(B) Standards and procedures with respect to awarding academic credit and certifying educational attainment in programs conducted under such chapter shall be consistent with the requirements of applicable State and local law, including regulation.</p> <p>(10) No funds available under this title may be used for public service employment except as specifically authorized under this title.</p> <p>(11) The Federal requirements governing the title, use, and disposition of real property, equipment, and supplies purchased with funds provided under this title shall be the corresponding Federal requirements generally applicable to such items purchased through Federal grants to States and local governments.</p>

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<p>(12) Nothing in this title shall be construed to provide an individual with an entitlement to a service under this title.</p> <p>(13) Services, facilities, or equipment funded under this title may be used, as appropriate, on a fee-for-service basis, by employers in a local area in order to provide employment and training activities to incumbent workers—</p> <p>(A) when such services, facilities, or equipment are not in use for the provision of services for eligible participants under this title;</p> <p>(B) if such use for incumbent workers would not have an adverse effect on the provision of services to eligible participants under this title; and</p> <p>(C) if the income derived from such fees is used to carry out the programs authorized under this title.</p>	<p>(12) Nothing in this title shall be construed to provide an individual with an entitlement to a service under this title.</p> <p>(13) Services, facilities, or equipment funded under this title may be used, as appropriate, on a fee-for-service basis, by employers in a local area in order to provide employment and training activities to incumbent workers—</p> <p>(A) when such services, facilities, or equipment are not in use for the provision of services for eligible participants under this title;</p> <p>(B) if such use for incumbent workers would not have an adverse effect on the provision of services to eligible participants under this title; and</p> <p>(C) if the income derived from such fees is used to carry out the programs authorized under this title.</p> <p>(14) Funds provided under this title shall not be used to establish or operate a stand-alone fee-for-service enterprise in a situation in which a private sector employment agency (as defined in section 701 of the Civil Rights Act of 1964 (42U.S.C. 2000e)) is providing full access to similar or related services in such a manner as to fully meet the identified need. For purposes of this paragraph, such an enterprise does not include a one-stop delivery system described in section 121(e).</p> <p>(15)(A) None of the funds available under this title shall be used by a recipient or subrecipient of such funds to pay the salary and bonuses of an individual, either as direct costs or indirect costs, at a rate in excess of the annual rate of basic pay prescribed for level II of the Executive Schedule under section 5313 of title 5, United States Code.</p> <p>(B) The limitation described in subparagraph (A) shall not apply to vendors</p>

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	providing goods and services as defined in Office of Management and Budget Circular A-133. In a case in which a State is a recipient of such funds, the State may establish a lower limit than is provided in subparagraph (A) for salaries and bonuses of those receiving salaries and bonuses from a subrecipient of such funds, taking into account factors including the relative cost of living in the State, the compensation levels for comparable State or local government employees, and the size of the organizations that administer the Federal programs involved.
	<b>SEC. 195. RESTRICTIONS ON LOBBYING ACTIVITIES.</b>  (a) Publicity Restrictions.— (1) IN GENERAL.—No funds provided under this Act shall be used for— (A) publicity or propaganda purposes; or (B) the preparation, distribution, or use of any kit, pamphlet, booklet, publication, electronic communication, radio, television, or video presentation designed to support or defeat— (i) the enactment of legislation before Congress or any State or local legislature or legislative body; or (ii) any proposed or pending regulation, administrative action, or order issued by the executive branch of any State or local government.  (2) EXCEPTION.—Paragraph (1) shall not apply to— (A) normal and recognized executive-legislative relationships; (B) the preparation, distribution, or use of the materials described in paragraph (1)(B) in presentation to Congress or any State or local legislature or legislative body; or (C) such preparation, distribution, or use of such materials in presentation to the executive branch of any State or local government.

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	<p>(b) Salary Restrictions. —</p> <p>(1) IN GENERAL. —No funds provided under this Act shall be used to pay the salary or expenses of any grant or contract recipient, or agent acting for such recipient, related to any activity designed to influence the enactment or issuance of legislation, appropriations, regulations, administrative action, or an Executive order proposed or pending before Congress or any State government, or a State or local legislature or legislative body.</p> <p>(2) EXCEPTION. —Paragraph (1) shall not apply to—</p> <p>(A) normal and recognized executive-legislative relationships; or</p> <p>(B) participation by an agency or officer of a State, local, or tribal government in policymaking and administrative processes within the executive branch of that government.</p>
<b>SUBTITLE F--REPEALS AND CONFORMING AMENDMENTS</b>	
<p><b>SEC. 199. REPEALS.</b></p> <p><del>(a) GENERAL IMMEDIATE REPEALS. The following provisions are repealed:</del></p> <p><del>(1) Section 204 of the Immigration Reform and Control Act of 1986 (8 U.S.C. 1255a note).</del></p> <p><del>(2) Title II of Public Law 95-250 (92 Stat. 172).</del></p> <p><del>(3) The Displaced Homemakers Self-Sufficiency Assistance Act (29 U.S.C. 2301 et seq.).</del></p> <p><del>(4) Section 211 of the Appalachian Regional Development Act of 1965 (40 U.S.C. App. 211).</del></p> <p><del>(5) Subtitle C of title VII of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11441 et seq.), except</del></p>	

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<p><del>section 738 of such title (42 U.S.C. 11448).</del> <del>(6) Subchapter I of chapter 421 of title 49, United States Code.</del></p> <p><del>(b) SUBSEQUENT REPEALS.—The following provisions are repealed:</del> <del>(1) Title VII of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11421 et seq.), except subtitle B and section 738 of such title (42 U.S.C. 11431 et seq. and 11448).</del> <del>(2) The Job Training Partnership Act (29 U.S.C. 1501 et seq.).</del></p> <p><del>(c) EFFECTIVE DATES.—</del> <del>(1) IMMEDIATE REPEALS.—The repeals made by subsection (a) shall take effect on the date of enactment of this Act.</del> <del>(2) SUBSEQUENT REPEALS.—</del> <del>(A) STEWART B. MCKINNEY HOMELESS ASSISTANCE ACT.—The repeal made by subsection (b)(1) shall take effect on July 1, 1999.</del> <del>(B) JOB TRAINING PARTNERSHIP ACT.—The repeal made by subsection (b)(2) shall take effect on July 1, 2000.</del></p>	
<p><del>SEC. 199A. CONFORMING AMENDMENTS.</del> <del>(a) PREPARATION.—After consultation with the appropriate committees of Congress and the Director of the Office of Management and Budget, the Secretary shall prepare recommended legislation containing technical and conforming amendments to reflect the changes made by this subtitle.</del></p> <p><del>(b) SUBMISSION TO CONGRESS.—Not later than 6 months after the</del></p>	

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<p><del>date of enactment of this Act, the Secretary shall submit to Congress the recommended legislation referred to under subsection (a).</del></p> <p><del>(c) REFERENCES.—All references in any other provision of law to a provision of the Comprehensive Employment and Training Act, or of the Job Training Partnership Act, as the case may be, shall be deemed to refer to the corresponding provision of this title.</del></p>	
<b>TITLE III – WORKFORCE INVESTMENT-RELATED ACTIVITIES / AMENDMENTS TO THE WAGNER-PEYSER ACT</b>	
	<p><b>SEC. 301. EMPLOYMENT SERVICE OFFICES.</b>            Section 1 of the Wagner-Peyser Act (29 U.S.C. 49) is amended by inserting “service” before “offices”.</p>
<p><b>SEC. 301. DEFINITIONS.</b>            Section 2 of the Wagner-Peyser Act (29 U.S.C. 49a) is amended--            (1) in paragraph (1)--            (A) by striking "or officials"; and            (B) by striking "Job Training Partnership Act" and inserting "Workforce Investment Act of 1998";            (2) by striking paragraphs (2) and (4);            (3) by redesignating paragraph (3) as paragraph (4);            (4) by inserting after paragraph (1) the following:            "(2) the term 'local workforce investment board' means a local workforce investment board established under section 117 of the Workforce Investment Act of 1998;            "(3) the term 'one-stop delivery system' means a one-stop delivery system described in section 134(c) of the Workforce Investment Act of 1998;" and            (5) in paragraph (4) (as redesignated in paragraph (3)), by striking the</p>	<p><b>SEC. 302. DEFINITIONS.</b>            Section 2 of the Wagner-Peyser Act (29 U.S.C. 49a) is amended—            (1) by striking paragraph (1) and inserting the following:            “(1) the terms ‘chief elected official’, ‘institution of higher education’, ‘one-stop center’, ‘one-stop partner’, ‘training services’, ‘workforce development activity’, and ‘workplace learning advisor’, have the meaning given the terms in section 3 of the Workforce Innovation and Opportunity Act;”;            (2) in paragraph (2)—            (A) by striking “investment board” each place it appears and inserting “development board”; and            (B) by striking “section 117 of the Workforce Investment Act of 1998” and inserting “section 107 of the Workforce Innovation and Opportunity Act”;            (3) in paragraph (3)—</p>

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semicolon and inserting "; and".	<p>(A) by striking "134(c)" and inserting "121(e)"; and</p> <p>(B) by striking "Workforce Investment Act of 1998" and inserting "Workforce Innovation and Opportunity Act"; and</p> <p>(4) in paragraph (4), by striking "and" at the end;</p> <p>(5) in paragraph (5), by striking the period and inserting "; and"; and</p> <p>(6) by adding at the end the following:          "(6) the term 'employment service office' means a local office of a State agency; and          "(7) except in section 15, the term 'State agency', used without further description, means an agency designated or authorized under section 4."</p>
<p><b>SEC. 302. FUNCTIONS.</b></p> <p>(a) IN GENERAL.--Section 3 of the Wagner-Peyser Act (29 U.S.C. 49b) is amended—</p> <p>(1) in subsection (a), by striking "United States Employment Service" and inserting "Secretary"; and</p> <p>(2) by adding at the end the following:          "(c) The Secretary shall--          "(1) assist in the coordination and development of a nationwide system of public labor exchange services, provided as part of the one-stop customer service systems of the States;          "(2) assist in the development of continuous improvement models for such nationwide system that ensure private sector satisfaction with the system and meet the demands of jobseekers relating to the system; and          "(3) ensure, for individuals otherwise eligible to receive unemployment</p>	<p><b>SEC. 303. FEDERAL AND STATE EMPLOYMENT SERVICE OFFICES.</b></p> <p>(a) <b>Coordination.</b>—          Section 3(a) of the Wagner-Peyser Act (29 U.S.C. 49b(a)) is amended by striking "services" and inserting "service offices".</p>

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compensation, the provision of reemployment services and other activities in which the individuals are required to participate to receive the compensation."	<p>(b) Public Labor Exchange Services System.—Section 3(c) of the Wagner-Peyser Act (29 U.S.C. 49b(c)) is amended—</p> <p>(1) in paragraph (2), by striking the semicolon and inserting “, and identify and disseminate information on best practices for such system; and”; and</p> <p>(2) by adding at the end the following: “(4) in coordination with the State agencies and the staff of such agencies, assist in the planning and implementation of activities to enhance the professional development and career advancement opportunities of such staff, in order to strengthen the provision of a broad range of career guidance services, the identification of job openings (including providing intensive outreach to small and medium-sized employers and enhanced employer services), the provision of technical assistance and training to other providers of workforce development activities (including workplace learning advisors) relating to counseling and employment-related services, and the development of new strategies for coordinating counseling and technology.”.</p> <p>One-stop Centers.—Section 3 of the Wagner-Peyser Act (29 U.S.C. 49b) is amended by inserting after subsection (c) the following:</p> <p>“(d) In order to improve service delivery, avoid duplication of services, and enhance coordination of services, including location of staff to ensure access to services under section 7(a) statewide in underserved areas, employment service offices in each State shall be colocated with one-stop centers.</p>

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<p>(b) CONFORMING AMENDMENTS.--Section 508(b)(1) of the Unemployment Compensation Amendments of 1976 (42 U.S.C. 603a(b)(1)) is amended--</p> <p>(1) by striking "the third sentence of section 3(a)" and inserting "section 3(b)"; and</p> <p>(2) by striking "49b(a)" and inserting "49b(b)".</p>	<p>"(e) The Secretary, in consultation with States, is authorized to assist the States in the development of national electronic tools that may be used to improve access to workforce information for individuals through—</p> <p>"(1) the one-stop delivery systems established as described in section 121(e) of the Workforce Innovation and Opportunity Act; and</p> <p>"(2) such other delivery systems as the Secretary determines to be appropriate."</p>
<p>SEC. 303. DESIGNATION OF STATE AGENCIES.</p> <p>Section 4 of the Wagner-Peyser Act (29 U.S.C. 49c) is amended—</p> <p>(1) by striking ", through its legislature," and inserting ", pursuant to State statute,";</p> <p>(2) by inserting after "the provisions of this Act and" the following: ", in accordance with such State statute, the Governor shall"; and</p> <p>(3) by striking "United States Employment Service" and inserting "Secretary".</p>	
<p>SEC. 304. APPROPRIATIONS.</p> <p>Section 5(c) of the Wagner-Peyser Act (29 U.S.C. 49d(c)) is amended by striking paragraph (3).</p>	<p>SEC. 304. ALLOTMENT OF SUMS.</p> <p>Section 6 of the Wagner-Peyser Act (29 U.S.C. 49e) is amended—</p> <p>(1) in subsection (a), by striking "amounts appropriated pursuant to section 5" and inserting "funds appropriated and (except for Guam) certified under section 5 and made available for allotments under this section"; and</p>

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	<p>(2) in subsection (b)(1)—</p> <p>(A) in the matter preceding subparagraph (A)—</p> <p>(i) by inserting before “the Secretary” the following “after making the allotments required by subsection (a),”; and</p> <p>(ii) by striking “sums” and all that follows through “this Act” and inserting “funds described in subsection (a)”;</p> <p>(B) in each of subparagraphs (A) and (B), by striking “sums” and inserting “remainder”; and</p> <p>(C) by adding at the end the following: “For purposes of this paragraph, the term ‘State’ does not include Guam or the Virgin Islands.”.</p>
<p>SEC. 305. <b>DISPOSITION OF ALLOTTED FUNDS.</b></p> <p>Section 7 of the Wagner-Peyser Act (29 U.S.C. 49f) is amended--</p> <p>(1) in subsection (b)(2), by striking "private industry council" and inserting "local workforce investment board";</p> <p>(2) in subsection (c)(2), by striking "any program under" and all that follows and inserting "any workforce investment activity carried out under the Workforce Investment Act of 1998.";</p> <p>(3) in subsection (d)--</p> <p>(A) by striking "United States Employment Service" and inserting "Secretary"; and</p> <p>(B) by striking "Job Training Partnership Act" and inserting "Workforce Investment Act of 1998"; and</p> <p>(4) by adding at the end the following:</p> <p>"(e) All job search, placement, recruitment, labor employment statistics, and</p>	<p>SEC. 305. <b>USE OF SUMS.</b></p> <p>(a) <b>Improved Coordination.</b>—Section 7(a)(1) of the Wagner-Peyser Act (29 U.S.C. 49f(a)(1)) is amended by inserting “, including unemployment insurance claimants,” after “seekers”.</p> <p>(b) <b>Resources for Unemployment Insurance Claimants.</b>—Section 7(a)(3) of the Wagner-Peyser Act (29 U.S.C. 49f(a)(3)) is amended—</p> <p>(1) by striking “and” at the end of subparagraph (E);</p> <p>(2) in subparagraph (F)—</p> <p>(A) by inserting “, including making eligibility assessments,” after “system”; and</p> <p>(B) by striking the period at the end and inserting “; and”; and</p> <p>(3) by inserting after subparagraph (F) the following:</p> <p>“(G) providing unemployment insurance claimants with referrals to, and application assistance for, training and education resources and programs,</p>

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other labor exchange services authorized under subsection (a) shall be provided, consistent with the other requirements of this Act, as part of the one-stop delivery system established by the State."	<p>including Federal Pell Grants under subpart 1 of part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070a et seq.), educational assistance under chapter 30 of title 38, United States Code (commonly referred to as the Montgomery GI Bill), and chapter 33 of that title (Post-9/11 Veterans Educational Assistance), student assistance under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.), State student higher education assistance, and training and education programs provided under titles I and II of the Workforce Innovation and Opportunity Act, and title I of the Rehabilitation Act of 1973 (29 U.S.C. 720 et seq.)."</p> <p>(c) State Activities. —Section 7(b) of the Wagner-Peyser Act (29 U.S.C. 49f(b)) is amended—</p> <p>1) in paragraph (1), by striking "performance standards established by the Secretary" and inserting "the performance accountability measures that are based on indicators described in section 116(b)(2)(A)(i) of the Workforce Innovation and Opportunity Act";</p> <p>(2) in paragraph (2), by inserting "offices" after "employment service"; and</p> <p>(3) in paragraph (3), by inserting ", and models for enhancing professional development and career advancement opportunities of State agency staff, as described in section 3(c)(4)" after "subsection (a)".</p> <p>(d) Providing Additional Funds. —Subsections (c)(2) and (d) of section 7 of the Wagner-Peyser Act (29 U.S.C. 49f) are amended by striking "the Workforce Investment Act of 1998" and inserting "the Workforce Innovation and Opportunity Act".</p> <p>(e) Conforming Amendment. —Section 7(e) of the Wagner-Peyser Act (29</p>

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	U.S.C. 49f(e)) is amended by striking “labor employment statistics” and inserting “workforce and labor market information”.
<p>SEC. 306. STATE PLANS.</p> <p>Section 8 of the Wagner-Peyser Act (29 U.S.C. 49g) is amended--</p> <p>(1) in subsection (a) to read as follows:</p> <p><del>“(a) Any State desiring to receive assistance under this Act shall submit to the Secretary, as part of the State plan submitted under section 112 of the Workforce Investment Act of 1998, detailed plans for carrying out the provisions of this Act within such State.”;</del></p> <p>(2) by striking subsections (b) and (c);</p> <p>(3) by redesignating subsection (d) as subsection (b);</p> <p>(4) by inserting after subsection (b) (as redesignated by paragraph (3)) the following:</p> <p>“(c) The part of the State plan described in subsection (a) shall include the information described in paragraphs (8) and (14) of section 112(b) of the Workforce Investment Act of 1998.”;</p> <p>(5) by redesignating subsection (e) as subsection (d); and</p> <p>(6) in subsection (d) (as redesignated in paragraph (5)), by striking “such plans” and inserting “such detailed plans”.</p>	<p>SEC. 306. STATE PLAN.</p> <p>Section 8 of the Wagner-Peyser Act (29 U.S.C. 49g) is amended to read as follows:</p> <p>“ Sec. 8. Any State desiring to receive assistance under <b>section 6</b> shall <b>prepare and submit to, and have approved by,</b> the Secretary and the Secretary of <b>Education,</b> a State plan in accordance with <b>section 102 or 103 of the Workforce Innovation and Opportunity Act.”.</b></p>
<p>SEC. 307. REPEAL OF FEDERAL ADVISORY COUNCIL.</p> <p>Section 11 of the Wagner-Peyser Act (29 U.S.C. 49j) is amended--</p> <p>(1) by striking “11.” and all that follows through “(b) In” and inserting “11. In”; and</p> <p>(2) by striking “Director” and inserting “Secretary”.</p>	

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	<p><b>SEC. 307. PERFORMANCE MEASURES.</b>            Section 13(a) of the Wagner-Peyser Act (29 U.S.C. 49l(a)) is amended to read as follows:            "(a) The activities carried out pursuant to section 7 shall be subject to the performance accountability measures that are based on indicators described in section 116(b)(2)(A)(i) of the Workforce Innovation and Opportunity Act."</p>
<p><b>SEC. 308. REGULATIONS.</b>            Section 12 of the Wagner-Peyser Act (29 U.S.C. 49k) is amended by striking "The Director, with the approval of the Secretary of Labor," and inserting "The Secretary".</p>	
<p><b>SEC. 309. EMPLOYMENT STATISTICS.</b>            The Wagner-Peyser Act is amended--            (1) by redesignating section 15 (29 U.S.C. 49 note) as section 16; and            (2) by inserting after section 14 (29 U.S.C. 49l-1) the following:  <b>"SEC. 15. EMPLOYMENT STATISTICS.</b>  <b>"(a) SYSTEM CONTENT.—</b>    <b>"(1) IN GENERAL.—</b>The Secretary, in accordance with the provisions of this section, shall oversee the development, maintenance, and continuous improvement of a nationwide employment statistics system of employment statistics that includes—    <b>"(A) statistical data from cooperative statistical survey and projection programs and data from administrative reporting systems that, taken together, enumerate, estimate, and project employment opportunities and conditions at national, State, and local levels in a timely manner, including statistics on—</b>  <b>"(i) employment and unemployment status of national,</b></p>	<p><b>SEC. 308. WORKFORCE AND LABOR MARKET INFORMATION SYSTEM.</b>  <b>(a) Heading.—</b>The section heading for section 15 of the Wagner-Peyser Act (29 U.S.C. 49l-2) is amended by striking "employment statistics" and inserting "workforce and labor market information system".    <b>(b) Name of System.—</b>Section 15(a)(1) of the Wagner-Peyser Act (29 U.S.C. 49l-2(a)(1)) is amended by striking "employment statistics system of employment statistics" and inserting "workforce and labor market information system".</p>

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<p>State, and local populations, including self-employed, part-time, and seasonal workers;</p> <p>"(ii) industrial distribution of occupations, as well as current and projected employment opportunities, wages, benefits (where data is available), and skill trends by occupation and industry, with particular attention paid to State and local conditions;</p> <p>"(iii) the incidence of, industrial and geographical location of, and number of workers displaced by, permanent layoffs and plant closings; and</p> <p>"(iv) employment and earnings information maintained in a longitudinal manner to be used for research and program evaluation;</p> <p>"(B) information on State and local employment opportunities, and other appropriate statistical data related to labor market dynamics, which—</p> <p>    "(i) shall be current and comprehensive;</p> <p>    "(ii) shall meet the needs identified through the consultations described in subparagraphs (A) and (B) of subsection (e)(2); and</p> <p>    "(iii) shall meet the needs for the information identified in section 134(d);</p> <p>"(C) technical standards (which the Secretary shall publish annually) for data and information described in subparagraphs (A) and (B) that, at a minimum, meet the criteria of chapter 35 of title 44, United States Code;</p>	

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<p>"(D) procedures to ensure compatibility and additivity of the data and information described in subparagraphs (A) and (B) from national, State, and local levels;</p> <p>"(E) procedures to support standardization and aggregation of data from administrative reporting systems described in subparagraph (A) of employment-related programs;</p> <p>"(F) analysis of data and information described in subparagraphs (A) and (B) for uses such as—</p> <ul style="list-style-type: none"><li>"(i) national, State, and local policymaking;</li><li>"(ii) implementation of Federal policies (including allocation formulas);</li><li>"(iii) program planning and evaluation; and</li><li>"(iv) researching labor market dynamics;</li></ul> <p>"(G) wide dissemination of such data, information, and analysis in a user-friendly manner and voluntary technical standards for dissemination mechanisms; and</p> <p>"(H) programs of—</p> <ul style="list-style-type: none"><li>"(i) training for effective data dissemination;</li><li>"(ii) research and demonstration; and</li><li>"(iii) programs and technical assistance.</li></ul> <p>"(2) INFORMATION TO BE CONFIDENTIAL.--</p> <p>"(A) IN GENERAL.--No officer or employee of the Federal Government or agent of the Federal Government may—</p> <ul style="list-style-type: none"><li>"(i) use any submission that is furnished for</li></ul>	

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<p>exclusively statistical purposes under the provisions of this section for any purpose other than the statistical purposes of this section for which the submission is furnished;</p> <p>"(ii) make any publication or media transmittal of the data contained in the submission described in clause (i) that permits information concerning individual subjects to be reasonably inferred by either direct or indirect means; or</p> <p>"(iii) permit anyone other than a sworn officer, employee, or agent of any Federal department or agency, or a contractor (including an employee of a contractor) of such department or agency, to examine an individual submission described in clause (i); without the consent of the individual, agency, or other person who is the subject of the submission or provides that submission.</p> <p>"(B) IMMUNITY FROM LEGAL PROCESS.--Any submission (including any data derived from the submission) that is collected and retained by a Federal department or agency, or an officer, employee, agent, or contractor of such a department or agency, for exclusively statistical purposes under this section shall be immune from the legal process and shall not, without the consent of the individual, agency, or other person who is the subject of the submission or provides that submission, be admitted as evidence or used for any purpose in any action, suit, or other judicial or administrative proceeding.</p> <p>"(C) RULE OF CONSTRUCTION.--Nothing in this section shall be construed to provide immunity from the legal process for such submission (including any data derived from the submission) if the submission is in the possession of any person, agency, or entity other than the Federal Government or an officer, employee, agent, or contractor of the</p>	

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<p>Federal Government, or if the submission is independently collected, retained, or produced for purposes other than the purposes of this Act.</p> <p><del>"(b) SYSTEM RESPONSIBILITIES.—</del> <del>"(1) IN GENERAL.—The employment statistics system described in subsection (a) shall be planned, administered, overseen, and evaluated through a cooperative governance structure involving the Federal Government and States.—</del></p> <p>"(2) DUTIES.—The Secretary, with respect to data collection, analysis, and dissemination of labor employment statistics for the system, shall carry out the following duties:</p>	<p>(c) System Responsibilities.—Section 15(b) of the Wagner-Peyser Act (29 U.S.C. 491-2(b)) is amended— (1) by striking paragraph (1) and inserting the following:</p> <p>"(1) IN GENERAL.— "(A) STRUCTURE.—The workforce and labor market information system described in subsection (a) shall be evaluated and improved by the Secretary, in consultation with the Workforce Information Advisory Council established in subsection (d).</p> <p>"(B) GRANTS AND RESPONSIBILITIES.—     "(i) IN GENERAL.—The Secretary shall carry out the provisions of this section in a timely manner, through grants to or agreements with States.     "(ii) DISTRIBUTION OF FUNDS.—Using amounts appropriated under subsection (g), the Secretary shall provide funds through those grants and agreements. In distributing the funds (relating to workforce and labor market information funding) for fiscal years 2015 through 2020, the Secretary shall continue to distribute the funds to States in the manner in which the Secretary distributed funds to the States under this section for fiscal years 2004 through 2008."; and</p> <p>(2) by striking paragraph (2) and inserting the following:</p> <p>"(2) DUTIES.—The Secretary, with respect to data collection, analysis, and dissemination of workforce and labor market information for the system, shall carry out the following duties:</p>

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<p>"(A) Assign responsibilities within the Department of Labor for elements of the <b>employment statistics system</b> described in subsection (a) to ensure that all statistical and administrative data collected is consistent with appropriate Bureau of Labor Statistics standards and definitions.</p> <p>"(B) Actively seek the cooperation of other Federal agencies to establish and maintain mechanisms for ensuring complementarity and nonduplication in the development and operation of statistical and administrative data collection activities.</p> <p>"(C) Eliminate gaps and duplication in statistical undertakings, <del>with the systemization of wage surveys as an early priority.</del></p> <p>"(D) In collaboration with the Bureau of Labor Statistics and States, develop and maintain the elements of the <b>employment statistics system</b> described in subsection (a), including the development of consistent procedures and definitions for use by the States in collecting the data and information described in subparagraphs (A) and (B) of subsection (a)(1).</p> <p>"(E) Establish procedures for the system to ensure that—     "(i) such data and information are timely;</p>	<p>"(A) Assign responsibilities within the Department of Labor for elements of the <b>workforce and labor market information system</b> described in subsection (a) to ensure that the statistical and administrative data collected is consistent with appropriate Bureau of Labor Statistics standards and definitions, <b>and that the information is accessible and understandable to users of such data.</b></p> <p>"(B) Actively seek the cooperation of heads of other Federal agencies to establish and maintain mechanisms for ensuring complementarity and nonduplication in the development and operation of statistical and administrative data collection activities.</p> <p><b>"(C) Solicit, receive, and evaluate the recommendations from the Workforce Information Advisory Council established in subsection (d) concerning the evaluation and improvement of the workforce and labor market information system described in subsection (a) and respond in writing to the Council regarding the recommendations.</b></p> <p>"(D) Eliminate gaps and duplication in statistical undertakings.</p> <p><b>"(E) Through the Bureau of Labor Statistics and the Employment and Training Administration,</b> and in collaboration with States, develop and maintain the elements of the <b>workforce and labor market information system</b> described in subsection (a), including the development of consistent procedures and definitions for use by the States in collecting the data and information described in subparagraphs (A) and (B) of subsection (a)(1).</p> <p>"(F) Establish procedures for the system to ensure that—     "(i) such data and information are timely; and</p>

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<p>"(ii) paperwork and reporting for the system are reduced to a minimum; and</p> <p><del>"(iii) States and localities are fully involved in the development and continuous improvement of the system at all levels, including ensuring the provision, to such States and localities, of budget information necessary for carrying out their responsibilities under subsection (e)."</del></p> <p><del>"(c) ANNUAL PLAN.—The Secretary, working through the Bureau of Labor Statistics, and in cooperation with the States, and with the assistance of other appropriate Federal agencies, shall prepare an annual plan which shall be the mechanism for achieving cooperative management of the nationwide employment statistics system described in subsection (a) and the statewide employment statistics systems that comprise the nationwide system. The plan shall—</del></p> <p><del>"(1) describe the steps the Secretary has taken in the preceding year and will take in the following 5-years-to-carry-out the duties described in subsection (b)(2);</del></p>	<p>"(ii) paperwork and reporting for the system are reduced to a minimum.".</p> <p>(d) Two-year Plan.—Section 15 of the Wagner-Peyser Act (29 U.S.C. 491-2) is amended by striking subsection (c) and inserting the following:</p> <p>"(c) Two-year Plan.—The Secretary, acting through the Commissioner of Labor Statistics and the Assistant Secretary for Employment and Training, and in consultation with the Workforce Information Advisory Council described in subsection (d) and heads of other appropriate Federal agencies, shall prepare a 2-year plan for the workforce and labor market information system. The plan shall be developed and implemented in a manner that takes into account the activities described in State plans submitted by States under section 102 or 103 of the Workforce Innovation and Opportunity Act and shall be submitted to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate. The plan shall include—</p> <p>"(1) a description of how the Secretary will work with the States to manage the nationwide workforce and labor market information system described in subsection (a) and the statewide workforce and labor market information systems that comprise the nationwide system;</p> <p>"(2) a description of the steps to be taken in the following 2 years to carry out the duties described in subsection (b)(2);</p>

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<p><del>"(2) include a report on the results of an annual consumer satisfaction review concerning the performance of the system, including the performance of the system in addressing the needs of Congress, States, localities, employers, jobseekers, and other consumers;</del></p> <p>"(3) evaluate the performance of the system <del>and recommend needed improvements, taking into consideration the results of the consumer satisfaction review,</del> with particular attention to the improvements needed at the State and local levels;</p> <p><del>"(4) justify the budget request for annual appropriations by describing priorities for the fiscal year succeeding the fiscal year in which the plan is developed and priorities for the 5 subsequent fiscal years for the system;</del></p> <p><del>"(5) describe current (as of the date of the submission of the plan) spending and spending needs to carry out activities under this section, including the costs to States and localities of meeting the requirements of subsection (e)(2); and</del></p> <p>"(6) describe the involvement of States in the development of the plan, through formal consultations conducted by the Secretary <del>in cooperation with representatives of the Governors of every State, and with representatives of local workforce investment boards, pursuant to a process established by the Secretary in cooperation with the States.</del></p>	<p>"(3) an evaluation of the performance of the system, with particular attention to the improvements needed at the State and local levels;</p> <p>"(4) a description of the involvement of States in the development of the plan, through consultation by the Secretary <b>with the Workforce Information Advisory Council in accordance with subsection (d); and</b></p> <p><b>"(5) a description of the written recommendations received from the Workforce Information Advisory Council established under subsection (d), and the extent to which those recommendations were incorporated into the plan."</b></p>

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<p><del>"(d) COORDINATION WITH THE STATES.—</del> <del>The Secretary, working through the Bureau of Labor Statistics, and in cooperation with the States, shall—</del></p> <p><del>"(1) develop the annual plan described in subsection (c) and address other employment statistics issues by holding formal consultations, at least once each quarter (beginning with the calendar quarter in which the Workforce Investment Act of 1998 is enacted) on the products and administration of the nationwide employment statistics system; and</del></p> <p><del>"(2) hold the consultations with representatives from each of the 10 Federal regions of the Department of Labor, elected (pursuant to a process established by the Secretary) by and from the State employment statistics directors affiliated with the State agencies that perform the duties described in subsection (e)(2).—</del></p>	<p>(e) Workforce Information Advisory Council.—Section 15 of the Wagner-Peyser Act (29 U.S.C. 491-2) is amended by striking subsection (d) and inserting the following:</p> <p>"(d) Workforce Information Advisory Council.—</p> <p>"(1) IN GENERAL.—The Secretary, through the Commissioner of Labor Statistics and the Assistant Secretary for Employment and Training, shall formally consult at least twice annually with the Workforce Information Advisory Council established in accordance with paragraph (2). Such consultations shall address the evaluation and improvement of the nationwide workforce and labor market information system described in subsection (a) and the statewide workforce and labor market information systems that comprise the nationwide system and how the Department of Labor and the States will cooperate in the management of such systems. The Council shall provide written recommendations to the Secretary concerning the evaluation and improvement of the nationwide system, including any recommendations regarding the 2-year plan described in subsection (c).</p> <p>"(2) ESTABLISHMENT OF COUNCIL.—</p> <p>"(A) ESTABLISHMENT.—The Secretary shall establish an advisory council that</p>

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	<p>shall be known as the Workforce Information Advisory Council (referred to in this section as the 'Council') to participate in the consultations and provide the recommendations described in paragraph (1).</p> <p>“(B) MEMBERSHIP.—The Secretary shall appoint the members of the Council, which shall consist of—</p> <p>    “(i) 4 members who are representatives of lead State agencies with responsibility for workforce investment activities, or State agencies described in section 4, who have been nominated by such agencies or by a national organization that represents such agencies;</p> <p>    “(ii) 4 members who are representatives of the State workforce and labor market information directors affiliated with the State agencies that perform the duties described in subsection (e)(2), who have been nominated by the directors;</p> <p>    “(iii) 1 member who is a representative of providers of training services under section 122 of the Workforce Innovation and Opportunity Act;</p> <p>    “(iv) 1 member who is a representative of economic development entities;</p> <p>    “(v) 1 member who is a representative of businesses, who has been nominated by national business organizations or trade associations;</p> <p>    “(vi) 1 member who is a representative of labor organizations, who has been nominated by a national labor federation;</p> <p>    “(vii) 1 member who is a representative of local workforce development boards, who has been nominated by a national organization representing such boards; and</p> <p>    “(viii) 1 member who is a representative of research entities that utilize workforce and labor market information.</p> <p>“(C) GEOGRAPHIC DIVERSITY.—The Secretary shall ensure that the</p>

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	<p>membership of the Council is geographically diverse and that no 2 of the members appointed under clauses (i), (ii), and (vii) represent the same State.</p> <p>“(D) PERIOD OF APPOINTMENT; VACANCIES.—</p> <p>    “(i) IN GENERAL.—Each member of the Council shall be appointed for a term of 3 years, except that the initial terms for members may be 1, 2, or 3 years in order to establish a rotation in which one-third of the members are selected each year. Any such member may be appointed for not more than 2 consecutive terms.</p> <p>    “(ii) VACANCIES.—Any member appointed to fill a vacancy occurring before the expiration of the term for which the member’s predecessor was appointed shall be appointed only for the remainder of that term. A member may serve after the expiration of that member’s term until a successor has taken office.</p> <p>“(E) TRAVEL EXPENSES.—The members of the Council shall not receive compensation for the performance of services for the Council, but shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Council. Notwithstanding section 1342 of title 31, United States Code, the Secretary may accept the voluntary and uncompensated services of members of the Council.</p> <p>“(F) PERMANENT COUNCIL.—Section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Council.”.</p> <p>“(e) STATE RESPONSIBILITIES.--</p> <p>“(1) DESIGNATION OF STATE AGENCY.--In order to receive Federal financial</p>

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<p>assistance under this section, the Governor of a State shall—</p> <p>"(A) designate a single State agency to be responsible for the management of the portions of the <del>employment statistics</del> system described in subsection (a) that comprise a statewide <del>employment statistics</del> system and for the State's participation in the development of the <del>annual plan</del>; and</p> <p>"(B) establish a process for the oversight of such system.</p> <p>"(2) DUTIES.--In order to receive Federal financial assistance under this section, the State agency shall—</p> <p>"(A) consult with State and local employers, participants, and local workforce investment boards about the labor market relevance of the data to be collected and disseminated through the statewide employment statistics system;</p> <p>"(B) consult with State educational agencies and local educational agencies concerning the provision of employment statistics in order to meet the needs of secondary school and postsecondary school students who seek such information;</p> <p>"(C) collect and disseminate for the system, on behalf of the State and localities in the State, the information and data described in subparagraphs (A) and (B) of subsection (a)(1);</p> <p>"(D) maintain and continuously improve the statewide employment statistics system in accordance with this section;</p> <p>"(E) perform contract and grant responsibilities for data collection, analysis, and dissemination for such system;</p> <p>"(F) conduct such other data collection, analysis, and dissemination activities as will ensure an effective</p>	<p>(1) by striking "employment statistics" each place it appears and inserting "workforce and labor market information";</p> <p>(2) in paragraph (1)(A) by striking "annual plan" and inserting "plan described in subsection (c)";</p>

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<p>statewide employment statistics system;</p> <p>"(G) actively seek the participation of other State and local agencies in data collection, analysis, and dissemination activities in order to ensure complementary, compatibility, and usefulness of data;</p> <p><del>"(H) participate in the development of the annual plan described in subsection (c); and</del></p> <p>"(I) utilize the quarterly records described in <del>section 136(f)(2) of the Workforce Investment Act of 1998</del> to assist the State and other States in measuring State progress on State performance measures.</p> <p>"(3) RULE OF CONSTRUCTION.--Nothing in this section shall be construed as limiting the ability of a State agency to conduct additional data collection, analysis, and dissemination activities with State funds or with Federal funds from sources other than this section.</p> <p>"(f ) NONDUPLICATION REQUIREMENT.--None of the functions and activities carried out pursuant to this section shall duplicate the functions and activities carried out under the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2301 et seq.).</p> <p>"(g) AUTHORIZATION OF APPROPRIATIONS.--There are authorized to be appropriated to carry out this section <del>such sums as may be necessary for each of the fiscal years 1999 through 2004.</del></p>	<p>(3) in paragraph (2)—</p> <p>(A) in subparagraph (G), by inserting “and” at the end;</p> <p>(B) by striking subparagraph (H);</p> <p>(C) in subparagraph (I), by striking “section 136(f)(2) of the Workforce Investment Act of 1998” and inserting “section 116(i)(2) of the Workforce Innovation and Opportunity Act”; and</p> <p>(D) by redesignating subparagraph (I) as subparagraph (H).</p> <p>(g) Authorization of Appropriations.—Section 15(g) of the Wagner-Peyser Act (29 U.S.C. 491-2(g)) is amended by striking “such sums as may be necessary for each of the fiscal years 1999 through 2004” and inserting “\$60,153,000 for fiscal year 2015, \$64,799,000 for fiscal year 2016, \$66,144,000 for fiscal year 2017, \$67,611,000 for fiscal year 2018, \$69,200,000 for fiscal year 2019, and \$70,667,000 for fiscal year 2020”.</p>

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"(h) DEFINITION.--In this section, the term 'local area' means the smallest geographical area for which data can be produced with statistical reliability.".	
SEC. 310. TECHNICAL AMENDMENTS. Sections 3(b), 6(b)(1), and 7(d) of the Wagner-Peyser Act (29 U.S.C. 49b(b), 49e(b)(1), and 49f(d)) are amended by striking "Secretary of Labor" and inserting "Secretary".	
SEC. 311. EFFECTIVE DATE. The amendments made by this subtitle shall take effect on July 1, 1999.	
<b>TITLE V – General Provisions</b>	
	Subtitle A—Workforce Investment
SEC. 501. STATE UNIFIED PLAN. <b>(CORRESPONDS TO SECTION 103 OF WIOA)</b>	
SEC. 502. DEFINITIONS FOR INDICATORS OF PERFORMANCE.  (a) IN GENERAL.--In order to ensure nationwide comparability of performance data, the Secretary of Labor and the Secretary of Education, after consultation with the representatives described in subsection (b), shall issue definitions for indicators of performance and levels of performance established under titles I and II.	

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<p>(b) REPRESENTATIVES.--The representatives referred to in subsection (a) are representatives of States (as defined in section 101) and political subdivisions, business and industry, employees, eligible providers of employment and training activities (as defined in section 101), educators, participants in activities carried out under this Act, State Directors of adult education, providers of adult education, providers of literacy services, individuals with expertise in serving the employment and training needs of eligible youth (as defined in section 101), parents, and other interested parties, with expertise regarding activities authorized under this Act.</p>	
<p><del>SEC. 503. INCENTIVE GRANTS.--</del></p> <p><del>(a) IN GENERAL.--Beginning on July 1, 2000, the Secretary shall award a grant to each State that exceeds the State-adjusted levels of performance for title I, the expected levels of performance for title II, and the levels of performance for programs under Public Law 88-210 (as amended; 20 U.S.C. 2301 et seq.), for the purpose of carrying out an innovative program consistent with the requirements of any one or more of the programs within title I, title II, or such Public Law, respectively.</del></p> <p><del>(b) APPLICATION.--</del></p> <p><del>(1) IN GENERAL.--The Secretary may provide a grant to a State under subsection (a) only if the State submits an application to the Secretary for the grant that meets the requirements of paragraph (2).</del></p> <p><del>(2) REQUIREMENTS.--The Secretary may review an application described in paragraph (1) only to ensure that the application contains the following assurances:-</del></p>	

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<p><del>(A) The legislature of the State was consulted with respect to the development of the application.</del></p> <p><del>(B) The application was approved by the Governor, the eligible agency (as defined in section 203), and the State agency responsible for programs established under Public Law 88-210 (as amended; 20 U.S.C. 2301 et seq.).</del></p> <p><del>(C) The State and the eligible agency, as appropriate, exceeded the State adjusted levels of performance for title I, the expected levels of performance for title II, and the levels of performance for programs under Public Law 88-210 (as amended; 20 U.S.C. 2301 et seq.).</del></p> <p><del>(c) AMOUNT.—</del></p> <p><del>(1) MINIMUM AND MAXIMUM GRANT AMOUNTS.—Subject to paragraph (2), a grant provided to a State under subsection (a) shall be awarded in an amount that is not less than \$750,000 and not more than \$3,000,000.</del></p> <p><del>(2) PROPORTIONATE REDUCTION.—If the amount available for grants under this section for a fiscal year is insufficient to award a grant to each State or eligible agency that is eligible for a grant, the Secretary shall reduce the minimum and maximum grant amount by a uniform percentage.</del></p>	
<p>SEC. 504. PRIVACY.</p> <p>(a) SECTION 144 OF THE GENERAL EDUCATION PROVISIONS ACT.-- Nothing in this Act shall be construed to supersede the privacy protections afforded parents and students under section 444 of the General Education Provisions Act (20 U.S.C. 1232g), as added by the Family Educational Rights and Privacy Act of 1974 (section 513 of Public Law 93-380; 88 Stat. 571).</p> <p>(b) PROHIBITION ON DEVELOPMENT OF NATIONAL DATABASE.--</p> <p>(1) IN GENERAL.--Nothing in this Act shall be construed to permit the development of a national database of personally identifiable</p>	<p>SEC. 501. PRIVACY.</p> <p>(a) Section 444 of the General Education Provisions Act.—Nothing in this Act (including the amendments made by this Act) shall be construed to supersede the privacy protections afforded parents and students under section 444 of the General Education Provisions Act (20 U.S.C. 1232g).</p> <p>(b) Prohibition on Development of National Database.—</p> <p>(1) IN GENERAL.—Nothing in this Act (including the amendments made by this Act) shall be construed to permit the development of a national database of</p>

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<p>information on individuals receiving services under title I of this Act.</p> <p>(2) LIMITATION.--Nothing in paragraph (1) shall be construed to prevent the proper administration of national programs under subtitles C and D of title I of this Act or to carry out program management activities consistent with title I of this Act.</p>	<p>personally identifiable information on individuals receiving services under title I or <b>under the amendments made by title IV.</b></p> <p>(2) LIMITATION.—Nothing in paragraph (1) shall be construed to prevent the proper administration of national programs under subtitles C and D of title I, <b>or the amendments made by title IV (as the case may be),</b> or to carry out program management activities consistent with title I <b>or the amendments made by title IV (as the case may be).</b></p>
<p>SEC. 505. BUY-AMERICAN REQUIREMENTS.</p> <p>(a) COMPLIANCE WITH BUY AMERICAN ACT.--None of the funds made available in this Act may be expended by an entity unless the entity agrees that in expending the funds the entity will comply with <b>the Buy American Act (41 U.S.C. 10a et seq.).</b></p> <p>(b) SENSE OF THE CONGRESS; REQUIREMENT REGARDING NOTICE.--</p> <p>(1) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.--In the case of any equipment or product that may be authorized to be purchased with financial assistance provided using funds made available under <b>this Act,</b> it is the sense of the Congress that entities receiving the assistance should, in expending the assistance, purchase only American-made equipment and products.</p> <p>(2) NOTICE TO RECIPIENTS OF ASSISTANCE.--In providing financial assistance using funds made available under this Act, the head of each Federal agency shall provide to each recipient of the assistance a notice describing the statement made in paragraph (1) by Congress.</p>	<p>SEC. 502. BUY-AMERICAN REQUIREMENTS.</p> <p>(a) Compliance With Buy American Act.—None of the funds made available <b>under title I or II or under the Wagner-Peyser Act (29 U.S.C. 49 et seq.)</b> may be expended by an entity unless the entity agrees that in expending the funds the entity <b>will comply with sections 8301 through 8303 of title 41, United States Code (commonly known as the “Buy American Act”).</b></p> <p>(b) Sense of Congress; Requirement Regarding Notice.—</p> <p>(1) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or product that may be authorized to be purchased with financial assistance provided using funds made available under <b>title I or II or under the Wagner-Peyser Act (29 U.S.C. 49 et seq.),</b> it is the sense of Congress that entities receiving the assistance should, in expending the assistance, purchase only American-made equipment and products.</p> <p>(2) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance using funds made available under title I or II or under the Wagner-Peyser Act, the head of each Federal agency shall provide to each recipient of the assistance a notice describing the statement made in paragraph (1) by</p>

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<p>(c) PROHIBITION OF CONTRACTS WITH PERSONS FALSELY LABELING PRODUCTS AS MADE IN AMERICA.--If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available <b>in this subtitle</b>, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations, as such sections are in effect on the date of enactment of this Act, or pursuant to any successor regulations.</p>	<p>Congress.</p> <p>(c) Prohibition of Contracts With Persons Falsely Labeling Products as Made in America.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available under <b>title I or II or under the Wagner-Peyser Act (29 U.S.C. 49 et seq.)</b>, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations, as such sections were in effect on August 7, 1998, or pursuant to any successor regulations.</p>
<p>SEC. 506. TRANSITION PROVISIONS.</p> <p>(a) WORKFORCE INVESTMENT SYSTEMS.--The Secretary of Labor shall take such actions as the Secretary determines to be appropriate to provide for the orderly transition from any authority under <del>the Job Training Partnership Act (29 U.S.C. 1501 et seq.)</del> to the workforce investment systems established under title I of this Act. Such actions shall include the provision of guidance relating to <del>the designation of State workforce investment boards, local workforce investment areas, and local workforce investment boards described in such title.</del></p>	<p>SEC. 503. TRANSITION PROVISIONS.</p> <p>(a) Workforce Development Systems and Investment Activities.—The Secretary of Labor and <b>the Secretary of Education</b> shall take such actions as the Secretaries determine to be appropriate to provide for the orderly transition from any authority under <b>the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.)</b> to any authority under subtitle A of title I. Such actions shall include the provision of guidance related to <b>unified State planning, combined State planning, and the performance accountability system described in such subtitle.</b></p> <p><b>(b) Workforce Investment Activities.—The Secretary of Labor shall take such actions as the Secretary determines to be appropriate to provide for the orderly transition from any authority under the Workforce Investment Act of 1998 to any authority under subtitles B through E of title I.</b></p>

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<p>(b) ADULT EDUCATION AND LITERACY PROGRAMS.-- (1) IN GENERAL.--The Secretary of Education shall take such actions as the Secretary determines to be appropriate to provide for the transition from any authority under the Adult Education Act (20 U.S.C. 1201 et seq.) to any authority under the Adult Education and Family Literacy Act (as added by title II of this Act).</p> <p>(2) LIMITATION.--The authority to take actions under paragraph (1) shall apply only for the 1-year period beginning on the date of the enactment of this Act.</p> <p>(c) REGULATIONS.--</p> <p>(1) <b>INTERIM FINAL</b> REGULATIONS.--Not later than 180 days after the date of the enactment of this Act, the Secretary of Labor shall develop and publish in the Federal Register <b>interim final</b> regulations relating to the transition to, and implementation of, this Act.</p>	<p>(c) Adult Education and Literacy Programs.—The Secretary of Education shall take such actions as the Secretary determines to be appropriate to provide for the orderly transition from any authority under the Adult Education and Family Literacy Act (20 U.S.C. 9201 et seq.), as in effect on the day before the date of enactment of this Act, to any authority under the Adult Education and Family Literacy Act, as amended by this Act.</p> <p>(d) Employment Services Activities.—The Secretary of Labor shall take such actions as the Secretary determines to be appropriate to provide for the orderly transition from any authority under the Wagner-Peyser Act (29 U.S.C. 49 et seq.), as in effect on the day before the date of enactment of this Act, to any authority under the Wagner-Peyser Act, as amended by this Act.</p> <p>(e) Vocational Rehabilitation Programs.—The Secretary of Education and the Secretary of Health and Human Services shall take such actions as the Secretaries determine to be appropriate to provide for the orderly transition from any authority under the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.), as in effect on the day before the date of enactment of this Act, to any authority under the Rehabilitation Act of 1973, as amended by this Act.</p> <p>(f) Regulations.—</p> <p>(1) PROPOSED REGULATIONS.—Not later than 180 days after the date of enactment of this Act, the Secretary of Labor, the Secretary of Education, and the Secretary of Health and Human Services, as appropriate, shall develop and publish in the Federal Register <b>proposed</b> regulations relating to the transition to, and implementation of, this Act</p>

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<p>(2) FINAL REGULATIONS.--Not later than <del>December 31, 1999</del>, the Secretary shall develop and publish in the Federal Register final regulations relating to the transition to, and implementation of, this Act.</p> <p>(d) EXPENDITURE OF FUNDS DURING TRANSITION.-- (1) IN GENERAL.--Subject to paragraph (2) and in accordance with regulations developed under subsection (b), States, grant recipients, administrative entities, and other recipients of financial assistance under <del>the Job Training Partnership Act (29 U.S.C. 1501 et seq.) or under this Act</del> may expend funds received <del>under the Job Training Partnership Act or</del> under this Act, <del>prior to July 1, 2000</del>, in order to plan and implement programs and activities authorized under this Act.</p> <p>(2) ADDITIONAL REQUIREMENTS.--Not to exceed 2 percent of any allotment to any State from amounts appropriated under <del>the Job Training Partnership Act or under this Act</del> for fiscal year <del>1998 or 1999</del> may be made available to carry out paragraph (1) and not less than 50 percent of any such amount used to carry out paragraph (1) shall be made available to local entities for the purposes described in such paragraph.</p> <p><del>(e) REORGANIZATION.--Not later than 1 year after the date of the enactment of this Act, the Secretary of Labor shall reorganize and align functions within the Department of Labor and within the Employment and Training Administration in order to carry out the duties and</del></p>	<p>(including the amendments made by this Act).</p> <p>(2) FINAL REGULATIONS.—Not later than 18 months after the date of enactment of this Act, the Secretaries described in paragraph (1), as appropriate, shall develop and publish in the Federal Register final regulations relating to the transition to, and implementation of, this Act (including the amendments made by this Act).</p> <p>(g) Expenditure of Funds During Transition.— (1) IN GENERAL.—Subject to paragraph (2) and in accordance with regulations developed under subsection (f), States, grant recipients, administrative entities, and other recipients of financial assistance under the Workforce Investment Act of 1998 may expend funds received under such Act in order to plan and implement programs and activities authorized under this Act.</p> <p>(2) ADDITIONAL REQUIREMENTS.—Not more than 2 percent of any allotment to any State from amounts appropriated under the Workforce Investment Act of 1998 for fiscal year 2014 may be made available to carry out activities authorized under paragraph (1) and not less than 50 percent of any amount used to carry out activities authorized under paragraph (1) shall be made available to local entities for the purposes of the activities described in such paragraph.</p>

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# WIA & WIOA Side-by-Side

September 2014

Workforce Investment Act of 1998	Workforce Innovation and Opportunity Act of 2014
<del>responsibilities required by this Act (and related laws) in an effective and efficient manner.</del>	
	<b>SEC. 504. REDUCTION OF REPORTING BURDENS AND REQUIREMENTS.</b>  In order to simplify reporting requirements and reduce reporting burdens, the Secretary of Labor, the Secretary of Education, and the Secretary of Health and Human Services shall establish procedures and criteria under which a State board and local board may reduce reporting burdens and requirements under this Act (including the amendments made by this Act).
	<b>SEC. 505. REPORT ON DATA CAPABILITY OF FEDERAL AND STATE DATABASES AND DATA EXCHANGE AGREEMENTS.</b>  (a) In General.—The Comptroller General of the United States shall prepare and submit an interim report and a final report to Congress regarding existing Federal and State databases and data exchange agreements, as of the date of the report, that contain job training information relevant to the administration of programs authorized under this Act and the amendments made by this Act.  (b) Requirements.—The report required under subsection (a) shall— (1) list existing Federal and State databases and data exchange agreements described in subsection (a) and, for each, describe— (A) the purposes of the database or agreement; (B) the data elements, such as wage and employment outcomes, contained in the database or accessible under the agreement; (C) the data elements described in subparagraph (B) that are shared between States; (D) the Federal and State workforce training programs from which each Federal and State database derives the data elements

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# WIA & WIOA Side-by-Side

September 2014

Workforce Investment Act of 1998	Workforce Innovation and Opportunity Act of 2014
	<p>described in subparagraph (B);</p> <p>(E) the number and type of Federal and State agencies having access to such data;</p> <p>(F) the number and type of private research organizations having access to, through grants, contracts, or other agreements, such data; and</p> <p>(G) whether the database or data exchange agreement provides for opt-out procedures for individuals whose data is shared through the database or data exchange agreement;</p> <p>(2) study the effects that access by State workforce agencies and the Secretary of Labor to the databases and data exchange agreements described in subsection (a) would have on efforts to carry out this Act and the amendments made by this Act, and on individual privacy;</p> <p>(3) explore opportunities to enhance the quality, reliability, and reporting frequency of the data included in such databases and data exchange agreements;</p> <p>(4) describe, for each database or data exchange agreement considered by the study described in subsection (a), the number of individuals whose data is contained in each database or accessible through the data agreement, and the specific data elements contained in each that could be used to personally identify an individual;</p> <p>(5) include the number of data breaches having occurred since 2004 to data systems administered by Federal and State agencies;</p> <p>(6) include the number of data breaches regarding any type of personal data having occurred since 2004 to private research</p>

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# WIA & WIOA Side-by-Side

September 2014

Workforce Investment Act of 1998	Workforce Innovation and Opportunity Act of 2014
	<p>organizations with whom Federal and State agencies contract for studies; and</p> <p>(7) include a survey of the security protocols used for protecting personal data, including best practices shared amongst States for access to, and administration of, data elements stored and recommendations for improving security protocols for the safe warehousing of data elements.</p> <p>(c) Timing of Reports. —</p> <p>(1) INTERIM REPORT. —Not later than 1 year after the date of enactment of this Act, the Comptroller General shall prepare and submit to Congress an interim report regarding the initial findings of the report required under this section.</p> <p>(2) FINAL REPORT. —Not later than 18 months after the date of enactment of this Act, the Comptroller General shall prepare and submit to Congress the final report required under this section.</p>
<p>SEC. 507. EFFECTIVE DATE.</p> <p>Except as otherwise provided in this Act, this Act and the amendments made by this Act, shall take effect on the date of the enactment of this Act.</p>	<p>SEC. 506. EFFECTIVE DATES.</p> <p>(a) In General. —Except as otherwise provided in this Act, this Act, including the amendments made by this Act, shall take effect on the first day of the first full program year after the date of enactment of this Act</p> <p>(b) Application Date for Workforce Development Performance Accountability System. —</p> <p>(1) IN GENERAL. —Section 136 of the Workforce Investment Act of 1998 (29 U.S.C. 2871), as in effect on the day before the date of enactment of this Act, shall apply in lieu of section 116 of this Act, for the first full program year after the date of enactment of this Act.</p>

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# WIA & WIOA Side-by-Side

September 2014

Workforce Investment Act of 1998	Workforce Innovation and Opportunity Act of 2014
	<p>(2) SPECIAL PROVISIONS.—For purposes of the application described in paragraph (1)—</p> <p>(A) except as otherwise specified, a reference in section 136 of the Workforce Investment Act of 1998 to a provision in such Act (29 U.S.C. 2801 et seq.), other than to a provision in such section or section 112 of such Act, shall be deemed to refer to the corresponding provision of this Act;</p> <p>(B) the terms “local area”, “local board”, “one-stop partner”, and “State board” have the meanings given the terms in section 3 of this Act;</p> <p>(C) except as provided in subparagraph (B), terms used in such section 136 shall have the meanings given the terms in section 101 of the Workforce Investment Act of 1998 (29 U.S.C. 2801);</p> <p>(D) any agreement negotiated and reached under section 136(c)(2) of the Workforce Investment Act of 1998 (29 U.S.C. 2871(c)(2)) shall remain in effect, until a new agreement is so negotiated and reached, for that first full program year;</p> <p>(E) if a State or local area fails to meet levels of performance under subsection (g) or (h), respectively, of section 136 of the Workforce Investment Act of 1998 during that first full program year, the sanctions provided under such subsection shall apply during the second full program year after the date of enactment of this Act; and</p> <p>(F) the Secretary shall use an amount retained, as a result of a reduction in an allotment to a State made under section 136(g)(1)(B) of such Act (29 U.S.C. 2871(g)(1)(B)), to provide technical assistance as described in subsections (f)(1) and (g)(1) of section 116 of this Act, in lieu of incentive grants under section 503 of the Workforce Investment Act of 1998 (20 U.S.C. 9273) as provided in section 136(g)(2) of such Act (29 U.S.C. 2871(g)(2)).</p> <p>(c) Application Date for State and Local Plan Provisions.—</p>

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# WIA & WIOA Side-by-Side

September 2014

Workforce Investment Act of 1998	Workforce Innovation and Opportunity Act of 2014
	<p>(1) IMPLEMENTATION.—Sections 112 and 118 of the Workforce Investment Act of 1998 (29 U.S.C. 2822, 2833), as in effect on the day before the date of enactment of this Act, shall apply to implementation of State and local plans, in lieu of sections 102 and 103, and section 108, respectively, of this Act, for the first full program year after the date of enactment of this Act.</p> <p>(2) SPECIAL PROVISIONS.—For purposes of the application described in paragraph (1)—</p> <p>(A) except as otherwise specified, a reference in section 112 or 118 of the Workforce Investment Act of 1998 to a provision in such Act (29 U.S.C. 2801 et seq.), other than to a provision in or to either such section or to section 136 of such Act, shall be deemed to refer to the corresponding provision of this Act;</p> <p>(B) the terms “local area”, “local board”, “one-stop partner”, and “State board” have the meanings given the terms in section 3 of this Act;</p> <p>(C) except as provided in subparagraph (B), terms used in such section 112 or 118 shall have the meanings given the terms in section 101 of the Workforce Investment Act of 1998 (29 U.S.C. 2801); and</p> <p>(D) section 112(b)(18)(D) of the Workforce Investment Act of 1998 (29 U.S.C. 2822(b)(18)(D)) shall not apply.</p> <p>(3) SUBMISSION.—Sections 102, 103, and 108 of this Act shall apply to plans for the second full program year after the date of enactment, including the development, submission, and approval of such plans during the first full program year after such date.</p> <p>(d) Disability Provisions.—Except as otherwise provided in title IV of this Act, title IV, and the amendments made by title IV, shall take effect on the date of enactment of this Act.</p>

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# WIA & WIOA Side-by-Side

September 2014

Workforce Investment Act of 1998	Workforce Innovation and Opportunity Act of 2014
	Subtitle B—Amendments to Other Laws
	<p>SEC. 511. REPEAL OF THE WORKFORCE INVESTMENT ACT OF 1998.</p> <p>(a) Workforce Investment Act of 1998.—The Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.) is repealed.</p> <p>(b) Grants to States for Workplace and Community Transition Training for Incarcerated Individuals.—Section 821 of the Higher Education Amendments of 1998 (20 U.S.C. 1151) is repealed.</p>
	<p>SEC. 512. CONFORMING AMENDMENTS.</p> <p>(a) American Competitiveness and Workforce Improvement Act of 1998.—Section 414(c)(3)(C) of the American Competitiveness and Workforce Improvement Act of 1998 (29 U.S.C. 2916a(3)(C)) is amended by striking “entities involved in administering the workforce investment system established under title I of the Workforce Investment Act of 1998” and inserting “entities involved in administering the workforce development system, as defined in section 3 of the Workforce Innovation and Opportunity Act”.</p> <p>(b) Assistive Technology Act of 1998.—The Assistive Technology Act of 1998 (29 U.S.C. 3001 et seq.) is amended as follows:</p> <p>(1) Section 3(1)(C) of such Act (29 U.S.C. 3002(1)(C)) is amended by striking</p>

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# WIA & WIOA Side-by-Side

September 2014

Workforce Investment Act of 1998	Workforce Innovation and Opportunity Act of 2014
	<p>“such as a one-stop partner, as defined in section 101 of the Workforce Investment Act of 1998 (29 U.S.C. 2801)” and inserting “such as a one-stop partner, as defined in section 3 of the Workforce Innovation and Opportunity Act”.</p> <p>(2) Section 4 of such Act (29 U.S.C. 3003) is amended—</p> <p>(A) in subsection (c)(2)(B)(i)(IV), by striking “a representative of the State workforce investment board established under section 111 of the Workforce Investment Act of 1998 (29 U.S.C. 2821)” and inserting “a representative of the State workforce development board established under section 101 of the Workforce Innovation and Opportunity Act”; and</p> <p>(B) in subsection (e)—</p> <p>(i) in paragraph (2)(D)(i), by striking “such as one-stop partners, as defined in section 101 of the Workforce Investment Act of 1998 (29 U.S.C. 2801),” and inserting “such as one-stop partners, as defined in section 3 of the Workforce Innovation and Opportunity Act,”; and</p> <p>(ii) in paragraph (3)(B)(ii)(I)(aa), by striking “with entities in the statewide and local workforce investment systems established under the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.),” and inserting “with entities in the statewide and local workforce development systems established under the Workforce Innovation and Opportunity Act,”.</p> <p>(c) Alaska Natural Gas Pipeline Act.—Section 113(a)(2) of the Alaska Natural Gas Pipeline Act (15 U.S.C. 720k(a)(2)) is amended by striking “consistent with the vision and goals set forth in the State of Alaska Unified Plan, as developed pursuant to the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.)” and inserting “consistent with the vision and goals set forth in the State of Alaska unified plan or combined plan, as appropriate, as</p>

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September 2014

Workforce Investment Act of 1998	Workforce Innovation and Opportunity Act of 2014
	<p>developed pursuant to section 102 or 103, as appropriate, of the Workforce Innovation and Opportunity Act”.</p> <p>(d) Atomic Energy Defense Act.—Section 4604(c)(6)(A) of the Atomic Energy Defense Act (50 U.S.C. 2704(c)(6)(A)) is amended by striking “programs carried out by the Secretary of Labor under the Job Training Partnership Act or title I of the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.)” and inserting “programs carried out by the Secretary of Labor under title I of the Workforce Innovation and Opportunity Act”.</p> <p>(e) Carl D. Perkins Career and Technical Education Act of 2006.—The Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2301 et seq.) is amended as follows:</p> <p>(1) Section 118(d)(2) of such Act (20 U.S.C. 2328(d)(2)) is amended—</p> <p>(A) in the paragraph heading, by striking “PUBLIC LAW 105-220” and inserting “WORKFORCE INNOVATION AND OPPORTUNITY ACT”; and</p> <p>(B) by striking “functions and activities carried out under Public Law 105-220” and inserting “functions and activities carried out under the Workforce Innovation and Opportunity Act”.</p> <p>(2) Section 121(a)(4) of such Act (20 U.S.C. 2341(a)(4)) is amended—</p> <p>(A) in subparagraph (A), by striking “activities undertaken by the State boards under section 111 of Public Law 105-220” and inserting “activities undertaken by the State boards under section 101 of the Workforce Innovation and Opportunity Act”; and</p> <p>(B) in subparagraph (B), by striking “the service delivery system under section 121 of Public Law 105-220” and inserting “the one-stop delivery system under section 121 of the Workforce Innovation and Opportunity Act”.</p>

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September 2014

Workforce Investment Act of 1998	Workforce Innovation and Opportunity Act of 2014
	<p>(3) Section 122 of such Act (20 U.S.C. 2342) is amended—</p> <p>(A) in subsection (b)(1)(A)(viii), by striking “entities participating in activities described in section 111 of Public Law 105-220” and inserting “entities participating in activities described in section 101 of the Workforce Innovation and Opportunity Act”;</p> <p>(B) in subsection (c)(20), by striking “the description and information specified in sections 112(b)(8) and 121(c) of Public Law 105-220 concerning the provision of services only for postsecondary students and school dropouts” and inserting “the description and information specified in subparagraphs (B) and (C)(iii) of section 102(b)(2), and, as appropriate, section 103(b)(3)(A), and section 121(c), of the Workforce Innovation and Opportunity Act concerning the provision of services only for postsecondary students and school dropouts”; and</p> <p>(C) in subsection (d)(2)—</p> <p>(i) in the paragraph heading, by striking “501 PLAN” and inserting “COMBINED PLAN”; and</p> <p>(ii) by striking “as part of the plan submitted under section 501 of Public Law 105-220” and inserting “as part of the plan submitted under section 103 of the Workforce Innovation and Opportunity Act”.</p> <p>(4) Section 124(c)(13) of such Act (20 U.S.C. 2344(c)(13)) is amended by striking “such as through referral to the system established under section 121 of Public Law 105-220” and inserting “such as through referral to the system established under section 121 of the Workforce Innovation and Opportunity Act”.</p> <p>(5) Section 134(b)(5) of such Act (20 U.S.C. 2354(b)(5)) is amended by striking “entities participating in activities described in section 117 of Public Law 105-220 (if applicable)” and inserting “entities participating in activities described</p>

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September 2014

Workforce Investment Act of 1998	Workforce Innovation and Opportunity Act of 2014
	<p>in section 107 of the Workforce Innovation and Opportunity Act (if applicable)".</p> <p>(6) Section 135(c)(16) of such Act (20 U.S.C. 2355(c)(16)) is amended by striking "such as through referral to the system established under section 121 of Public Law 105-220 (29 U.S.C. 2801 et seq.)" and inserting "such as through referral to the system established under section 121 of the Workforce Innovation and Opportunity Act".</p> <p>(7) Section 321(b)(1) of such Act (20 U.S.C. 2411(b)(1)) is amended by striking "Chapters 4 and 5 of subtitle B of title I of Public Law 105-220" and inserting "Chapters 2 and 3 of subtitle B of title I of the Workforce Innovation and Opportunity Act".</p> <p>(f) Community Services Block Grant Act.—Section 676(b)(5) of the Community Services Block Grant Act (42 U.S.C. 9908(b)(5)) is amended by striking "the eligible entities will coordinate the provision of employment and training activities, as defined in section 101 of such Act, in the State and in communities with entities providing activities through statewide and local workforce investment systems under the Workforce Investment Act of 1998" and inserting "the eligible entities will coordinate the provision of employment and training activities, as defined in section 3 of the Workforce Innovation and Opportunity Act, in the State and in communities with entities providing activities through statewide and local workforce development systems under such Act".</p> <p>(g) Compact of Free Association Amendments Act of 2003.—The Compact of Free Association Amendments Act of 2003 (48 U.S.C. 1921 et seq.) is amended as follows:</p>

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	<p>(1) Section 105(f)(1)(B)(iii) of such Act (48 U.S.C. 1921d(f)(1)(B)(iii)) is amended by striking “title I of the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.), other than subtitle C of that Act (29 U.S.C. 2881 et seq.) (Job Corps), title II of the Workforce Investment Act of 1998 (20 U.S.C. 9201 et seq.; commonly known as the Adult Education and Family Literacy Act),” and inserting “titles I (other than subtitle C) and II of the Workforce Innovation and Opportunity Act,”.</p> <p>(2) Section 108(a) of such Act (48 U.S.C. 1921g(a)) is amended by striking “subtitle C of title I of the Workforce Investment Act of 1998 (29 U.S.C. 2881 et seq.; relating to Job Corps)” and inserting “subtitle C of title I of the Workforce Innovation and Opportunity Act (relating to Job Corps)”.</p> <p>(h) Domestic Volunteer Service Act of 1973.—Section 103(d) of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4953(d)) is amended by striking “employment.” and all that follows and inserting the following: “employment. Whenever feasible, such efforts shall be coordinated with an appropriate local workforce development board established under section 107 of the Workforce Innovation and Opportunity Act.”.</p> <p>(i) Elementary and Secondary Education Act of 1965.—The Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) is amended as follows:</p> <p>(1) Section 1203(c)(2)(A) of such Act (20 U.S.C. 6363(c)(2)(A)) is amended—</p> <p>(A) by striking “, in consultation with the National Institute for Literacy,”; and</p> <p>(B) by striking clause (ii); and</p> <p>(C) by redesignating clauses (iii) and (iv) as clauses (ii) and (iii), respectively.</p>

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September 2014

Workforce Investment Act of 1998	Workforce Innovation and Opportunity Act of 2014
	<p>(2) Section 1235(9)(B) of such Act (20 U.S.C. 6381d(9)(B)) is amended by striking “any relevant programs under the Adult Education and Family Literacy Act, the Individuals with Disabilities Education Act, and title I of the Workforce Investment Act of 1998” and inserting “any relevant programs under the Adult Education and Family Literacy Act, the Individuals with Disabilities Education Act, and title I of the Workforce Innovation and Opportunity Act”.</p> <p>(3) Section 1423(9) of such Act (20 U.S.C. 6453(9)) is amended by striking “a description of how the program under this subpart will be coordinated with other Federal, State, and local programs, such as programs under title I of Public Law 105-220” and inserting “a description of how the program under this subpart will be coordinated with other Federal, State, and local programs, such as programs under title I of the Workforce Innovation and Opportunity Act”.</p> <p>(4) Section 1425(9) of such Act (20 U.S.C. 6455(9)) is amended by striking “coordinate funds received under this subpart with other local, State, and Federal funds available to provide services to participating children and youth, such as funds made available under title I of Public Law 105-220,” and inserting “coordinate funds received under this subpart with other local, State, and Federal funds available to provide services to participating children and youth, such as funds made available under title I of the Workforce Innovation and Opportunity Act,”.</p> <p>(5) Section 7202(13)(H) of such Act (20 U.S.C. 7512(13)(H)) is amended by striking “the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.)” and inserting “the Workforce Innovation and Opportunity Act”.</p>

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	<p>(j) Environmental Programs Assistance Act of 1984.—Section 2(a) of the Environmental Programs Assistance Act of 1984 (42 U.S.C. 4368a(a)) is amended by striking “Funding for such grants or agreements may be made available from such programs or through title V of the Older Americans Act of 1965 and subtitle D of title I of the Workforce Investment Act of 1998” and inserting “Funding for such grants or agreements may be made available from such programs or through title V of the Older Americans Act of 1965 and subtitle D of title I of the Workforce Innovation and Opportunity Act”.</p> <p>(k) Energy Conservation and Production Act.—Section 414(b)(3) of the Energy Conservation and Production Act (42 U.S.C. 6864(b)(3)) is amended by striking “securing, to the maximum extent practicable, the services of volunteers and training participants and public service employment workers, pursuant to title I of the Workforce Investment Act of 1998” and inserting “securing, to the maximum extent practicable, the services of volunteers and training participants and public service employment workers, pursuant to title I of the Workforce Innovation and Opportunity Act”.</p> <p>(l) Food and Nutrition Act of 2008.—The Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.) is amended as follows:</p> <p>(1) Section 5(l) of such Act (7 U.S.C. 2014(l)) is amended by striking “Notwithstanding section 181(a)(2) of the Workforce Investment Act of 1998, earnings to individuals participating in on-the-job-training under title I of the Workforce Investment Act of 1998” and inserting “Notwithstanding section 181(a)(2) of the Workforce Innovation and Opportunity Act, earnings to individuals participating in on-the-job training under title I of such Act”.</p> <p>(2) Section 6 of such Act (7 U.S.C. 2015) is amended—</p>

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September 2014

Workforce Investment Act of 1998	Workforce Innovation and Opportunity Act of 2014
	<p>(A) in subsection (d)(4)(M), by striking “activities under title I of the Workforce Investment Act of 1998” and inserting “activities under title I of the Workforce Innovation and Opportunity Act”;</p> <p>(B) in subsection (e)(3)(A), by striking “a program under title I of the Workforce Investment Act of 1998” and inserting “a program under title I of the Workforce Innovation and Opportunity Act”; and</p> <p>(C) in subsection (o)(1)(A), by striking “a program under the title I of the Workforce Investment Act of 1998” and inserting “a program under title I of the Workforce Innovation and Opportunity Act”.</p> <p>(3) Section 17(b)(2) of such Act (7 U.S.C. 2026(b)(2)) is amended by striking “a program carried out under title I of the Workforce Investment Act of 1998” and inserting “a program carried out under title I of the Workforce Innovation and Opportunity Act”.</p> <p>(m) Full Employment and Balanced Growth Act of 1978.—Section 206 of the Full Employment and Balanced Growth Act of 1978 (15 U.S.C. 3116) is amended—</p> <p>(1) in subsection (b), in the matter preceding paragraph (1), by striking “the Secretary of Labor shall, as appropriate, fully utilize the authority provided under the Job Training Partnership Act and title I of the Workforce Investment Act of 1998” and inserting “the Secretary of Labor shall, as appropriate, fully utilize the authority provided under title I of the Workforce Innovation and Opportunity Act”; and</p> <p>(2) in subsection (c)(1), by striking “the President shall, as may be authorized by law, establish reservoirs of public employment and private nonprofit employment projects, to be approved by the Secretary of Labor, through expansion of title I of the Workforce Investment Act of</p>

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September 2014

Workforce Investment Act of 1998	Workforce Innovation and Opportunity Act of 2014
	<p>1998” and inserting “the President shall, as may be authorized by law, establish reservoirs of public employment and private nonprofit employment projects, to be approved by the Secretary of Labor, through expansion of activities under title I of the Workforce Innovation and Opportunity Act”.</p> <p>(n) Higher Education Act of 1965.—The Higher Education Act of 1965 (20 U.S.C. 1001 et seq.) is amended as follows:</p> <p>(1) Section 418A of such Act (20 U.S.C. 1070d-2) is amended—</p> <p>(A) in subsection (b)(1)(B)(ii), by striking “section 167 of the Workforce Investment Act of 1998” and inserting “section 167 of the Workforce Innovation and Opportunity Act”; and</p> <p>(B) in subsection (c)(1)(A), by striking “section 167 of the Workforce Investment Act of 1998” and inserting “section 167 of the Workforce Innovation and Opportunity Act”.</p> <p>(2) Section 479(d)(1) of such Act (20 U.S.C. 1087ss(d)(1)) is amended by striking “The term ‘dislocated worker’ has the meaning given the term in section 101 of the Workforce Investment Act of 1998 (29 U.S.C. 2801)” and inserting “The term ‘dislocated worker’ has the meaning given the term in section 3 of the Workforce Innovation and Opportunity Act”.</p> <p>(3) Section 479A(a) of such Act (20 U.S.C. 1087tt(a)) is amended by striking “a dislocated worker (as defined in section 101 of the Workforce Investment Act of 1998)” and inserting “a dislocated worker (as defined in section 3 of the Workforce Innovation and Opportunity Act)”.</p> <p>(4) Section 480(b)(1)(I) of such Act (20 U.S.C. 1087vv(b)(1)(I)) is amended by</p>

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# WIA & WIOA Side-by-Side

September 2014

Workforce Investment Act of 1998	Workforce Innovation and Opportunity Act of 2014
	<p>striking “benefits received through participation in employment and training activities under title I of the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.)” and inserting “benefits received through participation in employment and training activities under title I of the Workforce Innovation and Opportunity Act”.</p> <p>(5) Section 803 of such Act (20 U.S.C. 1161c) is amended—</p> <p>(A) in subsection (i)(1), by striking “for changes to this Act and related Acts, such as the Carl D. Perkins Career and Technical Education Act of 2006 and the Workforce Investment Act of 1998 (including titles I and II), to help create and sustain business and industry workforce partnerships at institutions of higher education” and inserting “for changes to this Act and related Acts, such as the Carl D. Perkins Career and Technical Education Act of 2006 and the Workforce Innovation and Opportunity Act (including titles I and II), to help create and sustain business and industry workforce partnerships at institutions of higher education”; and</p> <p>(B) in subsection (j)(1)—</p> <p>(i) in subparagraph (A)(ii), by striking “local board (as such term is defined in section 101 of the Workforce Investment Act of 1998 (29 U.S.C. 2801))” and inserting “local board (as such term is defined in section 3 of the Workforce Innovation and Opportunity Act)”; and</p> <p>(ii) in subparagraph (B), by striking “a State board (as such term is defined in section 101 of the Workforce Investment Act of 1998 (29 U.S.C. 2801))” and inserting “a State board (as such term is defined in section 3 of the Workforce Innovation and Opportunity Act)”.</p> <p>(6) Section 861(c)(1)(B) of such Act (20 U.S.C. 1161q(c)(1)(B)) is amended by striking “local boards (as such term is defined in section 101</p>

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# WIA & WIOA Side-by-Side

September 2014

Workforce Investment Act of 1998	Workforce Innovation and Opportunity Act of 2014
	<p>of the Workforce Investment Act of 1998 (29 U.S.C. 2801))” and inserting “local boards (as such term is defined in section 3 of the Workforce Innovation and Opportunity Act)”.</p> <p>(7) Section 872(b)(2)(E) of such Act (20 U.S.C. 1161s(b)(2)(E)) is amended by striking “local boards (as defined in section 101 of the Workforce Investment Act of 1998 (29 U.S.C. 2801))” and inserting “local boards (as defined in section 3 of the Workforce Innovation and Opportunity Act)”.</p> <p>(o) Housing Act of 1949.—Section 504(c)(3) of the Housing Act of 1949 (42 U.S.C. 1474(c)(3)) is amended by striking “an insufficient number of volunteers and training participants and public service employment workers, assisted pursuant to title I of the Workforce Investment Act of 1998 or the Older American Community Service Employment Act,” and inserting “an insufficient number of volunteers and training participants and public service employment workers, assisted pursuant to title I of the Workforce Innovation and Opportunity Act or the Community Service Senior Opportunities Act,”.</p> <p>(p) Housing and Urban Development Act of 1968.—Section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u) is amended—</p> <p>(1) in subsection (c)—</p> <p>(A) in paragraph (1)(B)(iii), by striking “participants in YouthBuild programs receiving assistance under section 173A of the Workforce Investment Act of 1998” and inserting “participants in YouthBuild programs receiving assistance under section 171 of the Workforce Innovation and Opportunity Act”; and</p> <p>(B) in paragraph (2)(B), by striking “participants in YouthBuild programs</p>

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# WIA & WIOA Side-by-Side

September 2014

Workforce Investment Act of 1998	Workforce Innovation and Opportunity Act of 2014
	<p>receiving assistance under section 173A of the Workforce Investment Act of 1998” and inserting “participants in YouthBuild programs receiving assistance under section 171 of the Workforce Innovation and Opportunity Act”; and</p> <p>(2) in subsection (d)—</p> <p>(A) in paragraph (1)(B)(iii), by striking “To YouthBuild programs receiving assistance under section 173A of the Workforce Investment Act of 1998” and inserting “To YouthBuild programs receiving assistance under section 171 of the Workforce Innovation and Opportunity Act”; and</p> <p>(B) in paragraph (2)(B), by striking “to YouthBuild programs receiving assistance under section 173A of the Workforce Investment Act of 1998” and inserting “to YouthBuild programs receiving assistance under section 171 of the Workforce Innovation and Opportunity Act”.</p> <p>(q) Immigration and Nationality Act.—Section 245A(h)(4)(F) of the Immigration and Nationality Act (8 U.S.C. 1255a(h)(4)(F)) is amended by striking “Title I of the Workforce Investment Act of 1998” and inserting “Title I of the Workforce Innovation and Opportunity Act”.</p> <p>(r) Internal Revenue Code of 1986.—Section 7527(e)(2) of the Internal Revenue Code of 1986 is amended by inserting “(as in effect on the day before the date of enactment of the Workforce Innovation and Opportunity Act)” after “of 1998”.</p> <p>(s) McKinney-Vento Homeless Assistance Act.—Section 103(c)(2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11302(c)(2)) is amended by striking “a homeless individual shall be eligible for</p>

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# WIA & WIOA Side-by-Side

September 2014

Workforce Investment Act of 1998	Workforce Innovation and Opportunity Act of 2014
	<p>assistance under title I of the Workforce Investment Act of 1998” and inserting “a homeless individual shall be eligible for assistance under title I of the Workforce Innovation and Opportunity Act”.</p> <p>(t) Museum and Library Services Act.—The Museum and Library Services Act (20 U.S.C. 9101 et seq.) is amended as follows:</p> <p>(1) Section 204(f)(3) of such Act (20 U.S.C. 9103(f)(3)) is amended by striking “activities under the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.) (including activities under section 134(c) of such Act) (29 U.S.C. 2864(c))” and inserting “activities under the Workforce Innovation and Opportunity Act (including activities under section 121(e) of such Act))”.</p> <p>(2) Section 224(b)(6)(C) of such Act (20 U.S.C. 9134(b)(6)(C)) is amended—</p> <p>(A) in clause (i), by striking “the activities carried out by the State workforce investment board under section 111(d) of the Workforce Investment Act of 1998 (29 U.S.C. 2821(d))” and inserting “the activities carried out by the State workforce development board under section 101 of the Workforce Innovation and Opportunity Act”; and</p> <p>(B) in clause (ii), by striking “the State’s one-stop delivery system established under section 134(c) of such Act (29 U.S.C. 2864(c))” and inserting “the State’s one-stop delivery system established under section 121(e) of such Act”.</p> <p>(u) National and Community Service Act of 1990.—The National and Community Service Act of 1990 (42 U.S.C. 12501 et seq.) is amended as follows:</p> <p>(1) Section 112(a)(3)(B) of such Act (42 U.S.C. 12523(a)(3)(B)) is amended by striking “or who may participate in a Youthbuild program under section 173A of the Workforce Investment Act of 1998 (29 U.S.C. 2918a)” and</p>

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# WIA & WIOA Side-by-Side

September 2014

Workforce Investment Act of 1998	Workforce Innovation and Opportunity Act of 2014
	<p>inserting “or who may participate in a Youthbuild program under section 171 of the Workforce Innovation and Opportunity Act”.</p> <p>(2) Section 199L(a) of such Act (42 U.S.C. 12655m(a)) is amended by striking “coordinated with activities supported with assistance made available under programs administered by the heads of such agencies (including title I of the Workforce Investment Act of 1998)” and inserting “coordinated with activities supported with assistance made available under programs administered by the heads of such agencies (including title I of the Workforce Innovation and Opportunity Act)”.</p> <p>(v) National Energy Conservation Policy Act.—Section 233 of the National Energy Conservation and Policy Act (42 U.S.C. 6873) is amended, in the matter preceding paragraph (1), by striking “a sufficient number of volunteers and training participants and public service employment workers, assisted pursuant to title I of the Workforce Investment Act of 1998 and the Older American Community Service Employment Act” and inserting “a sufficient number of volunteers and training participants and public service employment workers, assisted pursuant to title I of the Workforce Innovation and Opportunity Act and the Community Service Senior Opportunities Act”.</p> <p>(w) Older Americans Act of 1965.—The Older Americans Act of 1965 (42 U.S.C. 3001 et seq.) is amended as follows:</p> <p>(1) Section 203 of such Act (42 U.S.C. 3013) is amended—</p> <p>(A) in subsection (a)(2), by striking “In particular, the Secretary of Labor shall consult and cooperate with the Assistant Secretary in carrying out title I of the Workforce Investment Act of 1998” and inserting “In particular, the Secretary of Labor shall consult and cooperate with the Assistant Secretary in carrying out title I of the Workforce</p>

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# WIA & WIOA Side-by-Side

September 2014

Workforce Investment Act of 1998	Workforce Innovation and Opportunity Act of 2014
	<p>Innovation and Opportunity Act”; and (B) in subsection (b)(1), by striking “title I of the Workforce Investment Act of 1998” and inserting “title I of the Workforce Innovation and Opportunity Act”.</p> <p>(2) Section 321(a)(12) of such Act (42 U.S.C. 3030d(a)(12)) is amended by striking “including programs carried out under the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.)” and inserting “including programs carried out under the Workforce Innovation and Opportunity Act”.</p> <p>(3) Section 502 of such Act (42 U.S.C. 3056) is amended— (A) in subsection (b)— (i) in paragraph (1)— (I) in subparagraph (H), by striking “will coordinate activities with training and other services provided under title I of the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.), including utilizing the one-stop delivery system of the local workforce investment areas involved” and inserting “will coordinate activities with training and other services provided under title I of the Workforce Innovation and Opportunity Act, including utilizing the one-stop delivery system of the local workforce development areas involved”; (II) in subparagraph (O)— (aa) by striking “through the one-stop delivery system of the local workforce investment areas involved as established under section 134(c) of the Workforce Investment Act of 1998 (29 U.S.C. 2864(c)),” and inserting “through the one-stop delivery system of the local workforce development areas involved as established under section 121(e) of the Workforce Innovation and Opportunity</p>

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# WIA & WIOA Side-by-Side

September 2014

Workforce Investment Act of 1998	Workforce Innovation and Opportunity Act of 2014
	<p>Act,”; and</p> <p>(bb) by striking “and will be involved in the planning and operations of such system pursuant to a memorandum of understanding with the local workforce investment board in accordance with section 121(c) of such Act (29 U.S.C.2841(c))” and inserting “and will be involved in the planning and operations of such system pursuant to a memorandum of understanding with the local workforce development board in accordance with section 121(c) of such Act”; and</p> <p>(III) in subparagraph (Q)—</p> <p>(aa) in clause (i), by striking “paragraph (8), relating to coordination with other Federal programs, of section 112(b) of the Workforce Investment Act of 1998 (29 U.S.C. 2822(b))” and inserting “clauses (ii) and (viii) of paragraph (2)(B), relating to coordination with other Federal programs, of section 102(b) of the Workforce Innovation and Opportunity Act”; and</p> <p>(bb) in clause (ii), by striking “paragraph (14), relating to implementation of one-stop delivery systems, of section 112(b) of the Workforce Investment Act of 1998” and inserting “paragraph (2)(C)(i), relating to implementation of one-stop delivery systems, of section 102(b) of the Workforce Innovation and Opportunity Act”; and</p> <p>(ii) in paragraph (3)—</p> <p>(I) in subparagraph (A), by striking “An assessment and service strategy required by paragraph (1)(N) to be prepared for an eligible individual shall satisfy any condition for an assessment and service strategy or individual employment plan for an adult participant under subtitle B of</p>

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# WIA & WIOA Side-by-Side

September 2014

Workforce Investment Act of 1998	Workforce Innovation and Opportunity Act of 2014
	<p>title I of the Workforce Investment Act of 1998 (29 U.S.C. 2811 et seq.), in order to determine whether such eligible individual also qualifies for intensive or training services described in section 134(d) of such Act (29 U.S.C. 2864(d)).” and inserting “An assessment and service strategy required by paragraph (1)(N) to be prepared for an eligible individual shall satisfy any condition for an assessment and service strategy or individual employment plan for an adult participant under subtitle B of title I of the Workforce Innovation and Opportunity Act, in order to determine whether such eligible individual also qualifies for career or training services described in section 134(c) of such Act.”; and</p> <p>(II) in subparagraph (B)—</p> <p>(aa) in the subparagraph heading, by striking “WORKFORCE INVESTMENT ACT OF 1998” and inserting “WORKFORCE INNOVATION AND OPPORTUNITY ACT”; and</p> <p>(bb) by striking “An assessment and service strategy or individual employment plan prepared under subtitle B of title I of the Workforce Investment Act of 1998 (29 U.S.C. 2811 et seq.)” and inserting “An assessment and service strategy or individual employment plan prepared under subtitle B of title I of the Workforce Innovation and Opportunity Act”; and</p> <p>(B) in subsection (e)(2)(B)(ii), by striking “one-stop delivery systems established under title I of the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.)” and inserting “one-stop delivery systems established under section 121(e) of the Workforce Innovation and Opportunity Act”.</p> <p>(4) Section 503 of such Act (42 U.S.C. 3056a) is amended—</p>

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# WIA & WIOA Side-by-Side

September 2014

Workforce Investment Act of 1998	Workforce Innovation and Opportunity Act of 2014
	<p>(A) in subsection (a)—</p> <p>(i) in paragraph (2)(A), by striking “the State and local workforce investment boards established under title I of the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.)” and inserting “the State and local workforce development boards established under title I of the Workforce Innovation and Opportunity Act”; and</p> <p>(ii) in paragraph (4)(F), by striking “plans for facilitating the coordination of activities of grantees in the State under this title with activities carried out in the State under title I of the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.)” and inserting “plans for facilitating the coordination of activities of grantees in the State under this title with activities carried out in the State under title I of the Workforce Innovation and Opportunity Act”; and</p> <p>(B) in subsection (b)(2)(A), by striking “with the program carried out under the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.)” and inserting “with the program carried out under the Workforce Innovation and Opportunity Act”.</p> <p>(5) Section 505(c)(1) (42 U.S.C. 3056c(c)(1)) of such Act is amended by striking “activities carried out under other Acts, especially activities provided under the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.), including activities provided through one-stop delivery systems established under section 134(c)) of such Act (29 U.S.C. 2864(c)),” and inserting “activities carried out under other Acts, especially activities provided under the Workforce Innovation and Opportunity Act, including activities provided through one-stop delivery systems established under section 121(e) of such Act,”.</p> <p>(6) Section 510 of such Act (42 U.S.C. 3056h) is amended—</p> <p>(A) by striking “by local workforce investment boards and one-stop</p>

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# WIA & WIOA Side-by-Side

September 2014

Workforce Investment Act of 1998	Workforce Innovation and Opportunity Act of 2014
	<p>operators established under title I of the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.)” and inserting “by local workforce development boards and one-stop operators established under title I of the Workforce Innovation and Opportunity Act”; and</p> <p>(B) by striking “such title I” and inserting “such title”.</p> <p>(7) Section 511 of such Act (42 U.S.C. 3056i) is amended—</p> <p>(A) in subsection (a), by striking “Grantees under this title shall be one-stop partners as described in subparagraphs (A) and (B)(vi) of section 121(b)(1) of the Workforce Investment Act of 1998 (29 U.S.C. 2841(b)(1)) in the one-stop delivery system established under section 134(c) of such Act (29 U.S.C. 2864(c)) for the appropriate local workforce investment areas” and inserting “Grantees under this title shall be one-stop partners as described in subparagraphs (A) and (B)(v) of section 121(b)(1) of the Workforce Innovation and Opportunity Act in the one-stop delivery system established under section 121(e) of such Act for the appropriate local workforce development areas”; and</p> <p>(B) in subsection (b)(2), by striking “be signatories of the memorandum of understanding established under section 121(c) of the Workforce Investment Act of 1998 (29 U.S.C. 2841(c))” and inserting “be signatories of the memorandum of understanding established under section 121(c) of the Workforce Innovation and Opportunity Act”.</p> <p>(8) Section 518(b)(2)(F) of such Act (42 U.S.C. 3056p(b)(2)(F)) is amended by striking “has failed to find employment after utilizing services provided under title I of the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.)” and inserting “has failed to find employment after utilizing services provided under title I of the Workforce Innovation and Opportunity Act”.</p>

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# WIA & WIOA Side-by-Side

September 2014

Workforce Investment Act of 1998	Workforce Innovation and Opportunity Act of 2014
	<p>(x) Personal Responsibility and Work Opportunity Reconciliation Act of 1996.—Section 403(c)(2)(K) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1613(c)(2)(K)) is amended by striking “Benefits under the title I of the Workforce Investment Act of 1998” and inserting “Benefits under title I of the Workforce Innovation and Opportunity Act”.</p> <p>(y) Patient Protection and Affordable Care Act.—Section 5101(d)(3)(D) of the Patient Protection and Affordable Care Act (42 U.S.C. 294q(d)(3)(D)) is amended by striking “other health care workforce programs, including those supported through the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.),” and inserting “other health care workforce programs, including those supported through the Workforce Innovation and Opportunity Act,”.</p> <p>(z) Public Health Service Act.—The Public Health Service Act (42 U.S.C. 201 et seq.) is amended as follows:</p> <p>(1) Section 399V(e) of such Act (42 U.S.C. 280g-11(e)) is amended by striking “one-stop delivery systems under section 134(c) of the Workforce Investment Act of 1998” and inserting “one-stop delivery systems under section 121(e) of the Workforce Innovation and Opportunity Act”.</p> <p>(2) Section 751(c)(1)(A) of such Act (42 U.S.C. 294a(c)(1)(A)) is amended by striking “the applicable one-stop delivery system under section 134(c) of the Workforce Investment Act of 1998,” and inserting “the applicable one-stop delivery system under section 121(e) of the Workforce Innovation and Opportunity Act,”.</p> <p>(3) Section 799B(23) of such Act (42 U.S.C. 295p(23)) is amended by striking “one-stop delivery system described in section 134(c) of the Workforce Investment Act of 1998 (29 U.S.C. 2864(c))” and inserting “one-stop delivery system described in section 121(e) of</p>

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# WIA & WIOA Side-by-Side

September 2014

Workforce Investment Act of 1998	Workforce Innovation and Opportunity Act of 2014
	<p>the Workforce Innovation and Opportunity Act”.</p> <p>(aa) Runaway and Homeless Youth Act.—Section 322(a)(7) of the Runaway and Homeless Youth Act (42 U.S.C. 5714-2(a)(7)) is amended by striking “(including services and programs for youth available under the Workforce Investment Act of 1998)” and inserting “(including services and programs for youth available under the Workforce Innovation and Opportunity Act)”.</p> <p>(bb) Second Chance Act of 2007.—The Second Chance Act of 2007 (42 U.S.C. 17501 et seq.) is amended as follows:</p> <p>(1) Section 212 of such Act (42 U.S.C. 17532) is amended—</p> <p>(A) in subsection (c)(1)(B), by striking “in coordination with the one-stop partners and one-stop operators (as such terms are defined in section 101 of the Workforce Investment Act of 1998 (29 U.S.C. 2801)) that provide services at any center operated under a one-stop delivery system established under section 134(c) of the Workforce Investment Act of 1998 (29 U.S.C. 2864(c)),” and inserting “in coordination with the one-stop partners and one-stop operators (as such terms are defined in section 3 of the Workforce Innovation and Opportunity Act) that provide services at any center operated under a one-stop delivery system established under section 121(e) of the Workforce Innovation and Opportunity Act,”; and</p> <p>(B) in subsection (d)(1)(B)(iii), by striking “the local workforce investment boards established under section 117 of the Workforce Investment Act of 1998 (29 U.S.C. 2832)),” and inserting “the local workforce development boards established under section 107 of the Workforce Innovation and Opportunity Act,”.</p> <p>(2) Section 231(e) of such Act (42 U.S.C. 17541(e)) is amended by striking “the one-stop partners and one-stop operators (as such terms are defined in section 101 of the Workforce Investment Act of 1998 (29 U.S.C.</p>

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# WIA & WIOA Side-by-Side

September 2014

Workforce Investment Act of 1998	Workforce Innovation and Opportunity Act of 2014
	<p>2801)) that provide services at any center operated under a one-stop delivery system established under section 134(c) of the Workforce Investment Act of 1998 (29 U.S.C. 2864(c))” and inserting “the one-stop partners and one-stop operators (as such terms are defined in section 3 of the Workforce Innovation and Opportunity Act) that provide services at any center operated under a one-stop delivery system established under section 121(e) of the Workforce Innovation and Opportunity Act”.</p> <p>(cc) Small Business Act.—Section 7(j)(13)(E) of the Small Business Act (15 U.S.C. 636(j)(13)(E)) is amended by striking “an institution eligible to provide skills training or upgrading under title I of the Workforce Investment Act of 1998” and inserting “an institution eligible to provide skills training or upgrading under title I of the Workforce Innovation and Opportunity Act”.</p> <p>(dd) Social Security Act.—The Social Security Act (42 U.S.C. 301 et seq.) is amended as follows:</p> <p>(1) Section 403(a)(5) of such Act (42 U.S.C. 603(a)(5)) is amended—</p> <p>(A) in subparagraph (A)(vii)(I), by striking “chief elected official (as defined in section 101 of the Workforce Investment Act of 1998)” and inserting “chief elected official (as defined in section 3 of the Workforce Innovation and Opportunity Act)”; and</p> <p>(B) in subparagraph (D)(ii), by striking “local workforce investment board established for the service delivery area pursuant to title I of the Workforce Investment Act of 1998, as appropriate” and inserting “local workforce development board established for the local workforce development area pursuant to title I of the Workforce Innovation and Opportunity Act, as appropriate”.</p> <p>(2) Section 1148(f)(1)(B) of such Act (42 U.S.C. 1320b-19(f)(1)(B)) is</p>

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September 2014

Workforce Investment Act of 1998	Workforce Innovation and Opportunity Act of 2014
	<p>amended by striking “a one-stop delivery system established under subtitle B of title I of the Workforce Investment Act of 1998 (29 U.S.C. 2811 et seq.)” and inserting “a one-stop delivery system established under section 121(e) of the Workforce Innovation and Opportunity Act”.</p> <p>(3) Section 1149(a)(3) of such Act (42 U.S.C. 1320b-20(a)(3)) is amended by striking “a one-stop delivery system established under subtitle B of title I of the Workforce Investment Act of 1998 (29 U.S.C. 2811 et seq.)” and inserting “a one-stop delivery system established under section 121(e) of the Workforce Innovation and Opportunity Act”.</p> <p>(4) Section 2008(a) of such Act (42 U.S.C. 1397g(a)) is amended—</p> <p>(A) in paragraph (2)(B), by striking “the State workforce investment board established under section 111 of the Workforce Investment Act of 1998” and inserting “the State workforce development board established under section 101 of the Workforce Innovation and Opportunity Act”; and</p> <p>(B) in paragraph (4)(A), by striking “a local workforce investment board established under section 117 of the Workforce Investment Act of 1998,” and inserting “a local workforce development board established under section 107 of the Workforce Innovation and Opportunity Act,”.</p> <p>(ee) Title 18 of the United States Code.—Section 665 of title 18 of the United States Code is amended—</p> <p>(1) in subsection (a), by striking “Whoever, being an officer, director, agent, or employee of, or connected in any capacity with any agency or organization receiving financial assistance or any funds under the Job Training Partnership Act or title I of the Workforce Investment Act</p>

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September 2014

Workforce Investment Act of 1998	Workforce Innovation and Opportunity Act of 2014
	<p>of 1998” and inserting “Whoever, being an officer, director, agent, or employee of, or connected in any capacity with any agency or organization receiving financial assistance or any funds under title I of the Workforce Innovation and Opportunity Act or title I of the Workforce Investment Act of 1998”;</p> <p>(2) in subsection (b), by striking “a contract of employment in connection with a financial assistance agreement or contract under the Job Training Partnership Act or title I of the Workforce Investment Act of 1998” and inserting “a contract of employment in connection with a financial assistance agreement or contract under title I of the Workforce Innovation and Opportunity Act or title I of the Workforce Investment Act of 1998”; and</p> <p>(3) in subsection (c), by striking “Whoever willfully obstructs or impedes or willfully endeavors to obstruct or impede, an investigation or inquiry under the Job Training Partnership Act or title I of the Workforce Investment Act of 1998,” and inserting “Whoever willfully obstructs or impedes or willfully endeavors to obstruct or impede, an investigation or inquiry under title I of the Workforce Innovation and Opportunity Act or title I of the Workforce Investment Act of 1998,”.</p> <p>(ff) Title 31 of the United States Code.—Section 6703(a)(4) of title 31 of the United States Code is amended by striking “Programs under title I of the Workforce Investment Act of 1998.” and inserting “Programs under title I of the Workforce Innovation and Opportunity Act.”.</p> <p>(gg) Title 38 of the United States Code.—Title 38 of the United States Code is amended as follows:</p>

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# WIA & WIOA Side-by-Side

September 2014

Workforce Investment Act of 1998	Workforce Innovation and Opportunity Act of 2014
	<p>(1) Section 4101(9) of title 38 of the United States Code is amended by striking “The term ‘intensive services’ means local employment and training services of the type described in section 134(d)(3) of the Workforce Investment Act of 1998” and inserting “The term ‘career services’ means local employment and training services of the type described in section 134(c)(2) of the Workforce Innovation and Opportunity Act”.</p> <p>(2) Section 4102A of title 38 of the United States Code is amended—</p> <p>(A) in subsection (d), by striking “participation of qualified veterans and eligible persons in employment and training opportunities under title I of the Workforce Investment Act of 1998” and inserting “participation of qualified veterans and eligible persons in employment and training opportunities under title I of the Workforce Innovation and Opportunity Act”; and</p> <p>(B) in subsection (f)(2)(A), by striking “be consistent with State performance measures applicable under section 136(b) of the Workforce Investment Act of 1998” and inserting “be consistent with State performance accountability measures applicable under section 116(b) of the Workforce Innovation and Opportunity Act”.</p> <p>(3) Section 4104A of title 38 of the United States Code is amended—</p> <p>(A) in subsection (b)(1)(B), by striking “the appropriate State boards and local boards (as such terms are defined in section 101 of the Workforce Investment Act of 1998 (29 U.S.C. 2801))” and inserting “the appropriate State boards and local boards (as such terms are defined in section 3 of the Workforce Innovation and Opportunity Act)”; and</p> <p>(B) in subsection (c)(1)(A), by striking “the appropriate State boards and local boards (as such terms are defined in section 101 of the Workforce Investment Act of 1998 (29 U.S.C. 2801))” and inserting “the appropriate</p>

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# WIA & WIOA Side-by-Side

September 2014

Workforce Investment Act of 1998	Workforce Innovation and Opportunity Act of 2014
	<p>State boards and local boards (as such terms are defined in section 3 of the Workforce Innovation and Opportunity Act)".</p> <p>(4) Section 4110B of title 38 of the United States Code is amended by striking "enter into an agreement with the Secretary regarding the implementation of the Workforce Investment Act of 1998 that includes the description and information described in paragraphs (8) and (14) of section 112(b) of the Workforce Investment Act of 1998 (29 U.S.C.2822(b))" and inserting "enter into an agreement with the Secretary regarding the implementation of the Workforce Innovation and Opportunity Act that includes the descriptions described in sections 102(b)(2)(B)(ii) and 103(b)(3)(A) of the Workforce Innovation and Opportunity Act and a description of how the State board will carry out the activities described in section 101(d)(3)(F) of such Act".</p> <p>(5) Section 4213(a)(4) of title 38 of the United States Code is amended by striking "Any employment or training program carried out under title I of the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.)" and inserting "Any employment or training program carried out under title I of the Workforce Innovation and Opportunity Act".</p> <p>(hh) Trade Act of 1974.—The Trade Act of 1974 (19 U.S.C. 2101 et seq.) is amended as follows:</p> <p>(1) Section 221(a) of such Act (19 U.S.C. 2271) is amended—</p> <p>(A) in paragraph (1)(C)—</p> <p>(i) by striking ", one-stop operators or one-stop partners (as defined in section 101 of the Workforce Investment Act of 1998 (29 U.S.C. 2801)) including State employment security agencies," and</p>

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# WIA & WIOA Side-by-Side

September 2014

Workforce Investment Act of 1998	Workforce Innovation and Opportunity Act of 2014
	<p>inserting “, one-stop operators or one-stop partners (as defined in section 3 of the Workforce Innovation and Opportunity Act) including State employment security agencies,”; and</p> <p>(ii) by striking “or the State dislocated worker unit established under title I of such Act,” and inserting “or a State dislocated worker unit,”; and</p> <p>(B) in subsection (a)(2)(A), by striking “rapid response activities and appropriate core and intensive services (as described in section 134 of the Workforce Investment Act of 1998 (29 U.S.C. 2864)) authorized under other Federal laws” and inserting “rapid response activities and appropriate career services (as described in section 134 of the Workforce Innovation and Opportunity Act) authorized under other Federal laws”.</p> <p>(2) Section 222(d)(2)(A)(iv) of such Act (19 U.S.C. 2272(d)(2)(A)(iv)) is amended by striking “one-stop operators or one-stop partners (as defined in section 101 of the Workforce Investment Act of 1998 (29 U.S.C. 2801))” and inserting “one-stop operators or one-stop partners (as defined in section 3 of the Workforce Innovation and Opportunity Act)”.</p> <p>(3) Section 236(a)(5) of such Act (19 U.S.C. 2296(a)(5)) is amended—</p> <p>(A) in subparagraph (B), by striking “any training program provided by a State pursuant to title I of the Workforce Investment Act of 1998” and inserting “any training program provided by a State pursuant to title I of the Workforce Innovation and Opportunity Act”; and</p> <p>(B) in the flush text following subparagraph (H), by striking “The Secretary may not limit approval of a training program under paragraph (1) to a program provided pursuant to title I of the Workforce Investment Act of 1998 (29 U.S.C. 2801et seq.).” and inserting “The</p>

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# WIA & WIOA Side-by-Side

September 2014

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	<p>Secretary may not limit approval of a training program under paragraph (1) to a program provided pursuant to title I of the Workforce Innovation and Opportunity Act.”.</p> <p>(4) Section 239 of such Act (19 U.S.C. 2311) is amended—</p> <p>(A) in subsection (f), by striking “Any agreement entered into under this section shall provide for the coordination of the administration of the provisions for employment services, training, and supplemental assistance under sections 235 and 236 of this Act and under title I of the Workforce Investment Act of 1998” and inserting “Any agreement entered into under this section shall provide for the coordination of the administration of the provisions for employment services, training, and supplemental assistance under sections 235 and 236 of this Act and under title I of the Workforce Innovation and Opportunity Act”; and</p> <p>(B) in subsection (h), by striking “the description and information described in paragraphs (8) and (14) of section 112(b) of the Workforce Investment Act of 1998 (29 U.S.C. 2822(b))” and inserting “the descriptions described in sections 102(b)(2)(B)(ii) and 103(b)(3)(A) of the Workforce Innovation and Opportunity Act, a description of how the State board will carry out the activities described in section 101(d)(3)(F) of such Act,”.</p> <p>(ii) United States Housing Act of 1937.—Section 23 of the United States Housing Act of 1937 (42 U.S.C. 1437u) is amended—</p> <p>(1) in subsection (b)(2)(A), by striking “lack of supportive services accessible to eligible families, which shall include insufficient availability of resources for programs under title I of the Workforce</p>

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# WIA & WIOA Side-by-Side

September 2014

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	<p>Investment Act of 1998” and inserting “lack of supportive services accessible to eligible families, which shall include insufficient availability of resources for programs under title I of the Workforce Innovation and Opportunity Act”;</p> <p>(2) in subsection (f)(2), by striking “the local agencies (if any) responsible for carrying out programs under title I of the Workforce Investment Act of 1998 or the Job Opportunities and Basic Skills Training Program under part F of title IV of the Social Security Act,” and inserting “the local agencies (if any) responsible for carrying out programs under title I of the Workforce Innovation and Opportunity Act or the Job Opportunities and Basic Skills Training Program under part F of title IV of the Social Security Act,”; and</p> <p>(3) in subsection (g)—</p> <p>(A) in paragraph (2), by striking “any local agencies responsible for programs under title I of the Workforce Investment Act of 1998 or the Job Opportunities and Basic Skills Training Program under part F of title IV of the Social Security Act” and inserting “any local agencies responsible for programs under title I of the Workforce Innovation and Opportunity Act or the Job Opportunities and Basic Skills Training Program under part F of title IV of the Social Security Act”; and</p> <p>(B) in paragraph (3)(H), by striking “programs under title I of the Workforce Investment Act of 1998 and any other relevant employment, child care, transportation, training, and education programs in the applicable area” and inserting “programs under title I of the Workforce Innovation and Opportunity Act and any other relevant employment, child care, transportation, training, and education programs in the applicable area”.</p>

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# WIA & WIOA Side-by-Side

September 2014

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	<p>(jj) Violent Crime Control and Law Enforcement Act of 1994.—Section 31113(a)(4)(C) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13823(a)(4)(C)) is amended by striking “job training programs authorized under title I of the Workforce Investment Act of 1998 or the Family Support Act of 1988 (Public Law 100-485)” and inserting “job training programs authorized under title I of the Workforce Innovation and Opportunity Act or the Family Support Act of 1988 (Public Law 100-485)”.</p> <p>(kk) Worker Adjustment and Retraining Notification Act.—Section 3(a)(2) of the Worker Adjustment and Retraining Notification Act (29 U.S.C. 2102(a)(2)) is amended by striking “the State or entity designated by the State to carry out rapid response activities under section 134(a)(2)(A) of the Workforce Investment Act of 1998,” and inserting “the State or entity designated by the State to carry out rapid response activities under section 134(a)(2)(A) of the Workforce Innovation and Opportunity Act,”.</p>
	<p>SEC. 513. REFERENCES.</p> <p>(a) Workforce Investment Act of 1998 References.—Except as otherwise specified, a reference in a Federal law to a provision of the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.) shall be deemed to refer to the corresponding provision of this Act.</p> <p>(b) Wagner-Peyser Act References.—Except as otherwise specified, a reference in a Federal law to a provision of the Wagner-Peyser Act (29 U.S.C. 49 et seq.) shall be deemed to refer to the corresponding provision of such Act, as amended by this Act.</p> <p>(c) Disability-related References.—Except as otherwise specified, a</p>

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September 2014

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	reference in a Federal law to a provision of the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.) shall be deemed to refer to the corresponding provision of such Act, as amended by this Act.

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